



## OFFICE OF WORKPLACE RELATIONS

UNITED STATES COURTS FOR THE NINTH CIRCUIT

### NEW OFFICE OF WORKPLACE RELATIONS ESTABLISHED

#### **Office of Workplace Relations**

The Office of Workplace Relations for the United States Courts for the Ninth Circuit officially opened its office on February 12, 2019. The office is located on the first floor of the James Browning United States Courthouse in San Francisco adjacent to the Seventh Street employee entrance. Establishing the Office of Workplace Relations and revising the Employment Dispute Resolution Policy (“EDR Policy”) were two of the top recommendations of the Ad Hoc Committee on Workplace Environment (“the Committee”), a panel appointed by Chief Circuit Judge Sidney R. Thomas of the United States Court of Appeals for the Ninth Circuit and chaired by Circuit Judge M. Margaret McKeown. *See* [Ninth Circuit Announces Appointment of First Director of Workplace Relations](#); *see also* [Ninth Circuit Committee to Review Workplace Environment Policies](#).

Maintaining a healthy and productive workplace for all employees will continue to be the highest priority for the Circuit and for the Office of Workplace Relations.

Yohance Edwards joined the Ninth Circuit on January 7, 2019, as the Director of Workplace Relations. *See* [Ninth Circuit Announces Appointment of First Director of Workplace Relations](#). He leads the Circuit’s efforts to prevent and resolve workplace issues and is available to assist judges and staff throughout the Circuit on EDR-related matters. He will be supported in those efforts by Workplace Relations Specialist Stella Huynh.

#### ***Role of the Director***

The Director of Workplace Relations position, the first of its kind in the federal judiciary, was specifically designed to meet several needs identified by employees and others during the Committee’s review and assessment of the Circuit’s workplace environment. The scope of the position was a result of the Committee’s comprehensive outreach and assessment effort to obtain feedback

from current Ninth Circuit employees and former and current law clerks to help guide its work. See [Ninth Circuit Committee Begins Workplace Environment Review](#). This effort included: issuing a confidential questionnaire to 6,000 current and former employees and law clerks and reviewing nearly 3,000 responses; conducting in-depth focus groups; consulting with groups of former law clerks; providing avenues for anonymous feedback; and meeting confidentially with individuals upon request. Additionally, the Committee solicited input from law school deans throughout the country to assist in developing plans to improve the law clerk and extern experience.

The Director of Workplace Relations position fulfills one of the most common requests the Committee received: a clearly identified, independent person of high stature to whom individuals could report misconduct and seek advice on other workplace concerns. The role is a circuit-wide position that is independent from an employee's direct supervision and designed to provide an outlet for confidential conversations. Employees may contact Mr. Edwards if they wish to discuss a workplace issue confidentially and seek guidance on their options for resolving the issue.

### ***Responses and Training***

The Office of Workplace Relations will also focus on two other areas identified by employees, former employees and others during the Committee's assessment: timely and appropriate response to workplace environment concerns and training for staff. The Office of Workplace Relations will work with Employment Dispute Resolution Coordinators ("EDR Coordinators") throughout the Circuit to help ensure that responses, whether through assisted resolution such as mediation, or through investigation, are handled promptly, impartially, and thoroughly, by individuals who have sufficient training. Mr. Edwards will oversee the development of improved training for employees, supervisors, law clerks, externs, interns, and judges throughout the Circuit, as well as additional training for employees who play a role in implementing the EDR Policy. Input from the EDR Coordinators from across the Circuit is being solicited to assist with the development of a training program, tailored to the unique needs of the EDR Coordinators and court units.

The Director of Workplace Relations will also oversee additional efforts to assess and gain feedback on workplace initiatives. These additional efforts include the implementation of a circuit-wide exit questionnaire for departing employees to gather feedback on their experience and monitor workplace issues; development of a law clerk advisory group; and data gathering and assessment of the effectiveness of the EDR Policies.

### **Revised EDR Policies**

As part of its work over the last year, the Committee revised the Ninth Circuit Employment Dispute Resolution Policy and Commitment to a Fair and Respectful Workplace (“EDR Policy”). The revised EDR Policy was approved by the Judicial Council of the Ninth Circuit on December 27, 2018, and went into effect on January 1, 2019. See [Ninth Circuit Employment Dispute Resolution Policy and Commitment to a Fair and Respectful Workplace](#). The EDR Policy is accessible on the Circuit internet site at: <https://www.ca9.uscourts.gov/workplace>.

The process for revising the Ninth Circuit EDR Policy was one that heavily relied on feedback, both from employees and judges, and incorporating that feedback into the EDR Policy. The result is a much improved EDR Policy, written in plain language, which provides important employee protections while maintaining proven, effective means of resolving employment disputes, such as mediation and other forms of informal dispute resolution. Major changes to the EDR Policy include: rewriting it in plain language; redefining the stages of the EDR process; extending the time to report misconduct from 30 days to 180 days; expressly covering externs and interns; and adding bullying as a type of covered misconduct.

In addition to the revising the Ninth Circuit EDR Policy, the Committee reviewed local EDR policies submitted by district and bankruptcy courts and from the Federal Public Defenders. While some districts chose to adopt the revised Ninth Circuit EDR Policy its entirety, many district and bankruptcy courts submitted proposed local modifications. The submitted revised local policies were approved by the Judicial Council and went into effect on January 1, 2019. Implementation of the revised EDR Policies will be overseen by the Director of Workplace Relations.

## **Other Workplace Environment Improvements**

### ***Confidentiality Policy***

In addition to revising the EDR Policy, the Ninth Circuit has revised the Confidentiality Policy to clarify that reporting misconduct is an exception to any and all chambers confidentiality requirements. The model Confidentiality Policy was approved by the Judicial Council of the Ninth Circuit on May 17, 2018.

### ***Law Clerk Orientation***

An improved law clerk orientation in September 2018 included training sessions on harassment, discrimination, and the revised EDR Policy and Confidentiality Policy. Workplace environment training will be included in law clerk orientations moving forward. Additionally, a law clerk portal has been created on the Circuit's intranet site, with workplace and other resources for law clerks, including the model Confidentiality Policy and the revised EDR Policy.

### ***Calendar of Events and Presentations***

These enhancements, among others, to the workplace environment in the Ninth Circuit are largely due to the extensive efforts of the Committee over the past year. The "Calendar of Events and Presentations" of the past and future work of the Committee and the Director of Workplace Relations provide a snapshot of some of those efforts. See [Workplace Committee Calendar of Events and Presentations](#). Certain dates for future trainings have been added to this schedule, but this list will expand as new training opportunities are added. The Ninth Circuit understands the importance of training and education to the successful implementation of the new policies. The Director of Workplace Relations will oversee the training and education efforts going forward and has the full support of Circuit leadership.