

# Public Defense Services Commission

Affirmative Action Plan  
2015 – 2017 Biennium

*Public Defense Services Commission’s Affirmative Action Plan*  
*2015 – 2017 Biennium*

## Contents

Agency Description .....	3
Mission .....	3
Objectives .....	3
Agency Director .....	4
Affirmative Action Representative .....	4
Organizational Chart .....	4
Agency Affirmative Action Policy Statement .....	5
Agency Diversity & Inclusion Statement .....	5
Training, Education, and Development Plan .....	5
Programs .....	5
Roles for Implementation of Affirmative Action Plan .....	6
Accomplishments .....	8
July 1, 2012 – June 30, 2014 .....	9
Goals and Strategies .....	10
July 1, 2015 – June 30, 2017 .....	10
Appendix A – PDSC Policy Documentation .....	12
Appendix B – Workforce Representation Report .....	16

## Agency Description

The Public Defense Services Commission (PDSC), an independent body of Oregon's Judicial Branch of government, is a seven-member commission appointed by the Chief Justice of the Oregon Supreme Court that serves as the governing body for Oregon's public defense system. The Commission provides policy direction and oversight for the administration of the system. As required by ORS 151.216(1)(b), the Commission established the Office of Public Defense Services (OPDS) to serve as the administrative agency responsible for carrying out the Commission's directives and other statutorily defined duties. The legal services provided by OPDS represent an essential component of Oregon's public safety system.

PDSC is comprised of an Appellate Division, which provides direct legal services in the Oregon Supreme Court and the Court of Appeals on behalf of financially eligible individuals appealing trial court judgments of conviction in criminal cases, and the trial court judgments in juvenile dependency and termination of parental rights cases; the Contract Services division, which administers the state's public defense contracting; Financial Services which administers the payment system; Human Resources and Operations; General Counsel, and Research/IT divisions.

## Mission

The mission of OPDS is to establish and maintain a public defense system that ensures the provision of public defense services in the most cost-efficient manner consistent with the Oregon Constitution, the United States Constitution and Oregon and national standards of justice.

## Objectives

- An agency that is a model for other agencies in its responsiveness to clients, customers and stakeholders;
- An Appellate Division that serves as a vigilant guardian of the legal rights of public defense clients and the public's interest in equal justice and due process of law;
- Contract and Financial Services Divisions that provide efficient and effective management of public defense resources statewide;
- A Public Defense Services Commission that strives to be a visionary planner, a responsive and cooperative policy maker, and a responsible steward of taxpayer dollars.

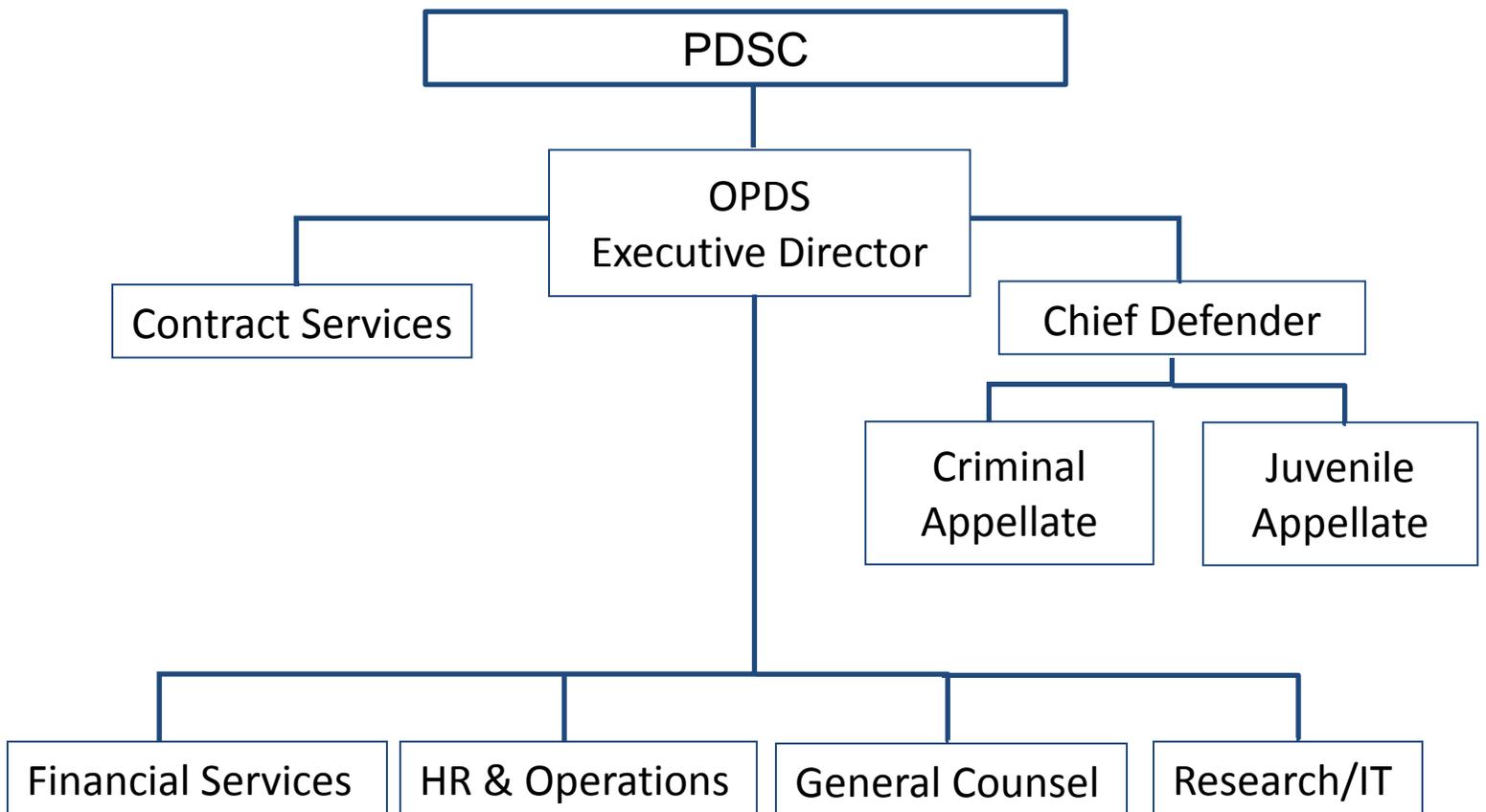
## Agency Director

Nancy Cozine, Executive Director, 1175 Court St. NE, Salem, OR 97301; (503) 378-2515.

## Affirmative Action Representative

Cynthia Gregory, Human Resources Manager, 1175 Court St. NE, Salem, OR 97301; (503) 378-2509.

## Organizational Chart



## **Agency Affirmative Action Policy Statement**

It is the policy of the Public Defense Services Commission that no person shall be discriminated against by reason of race, color, national origin, religion, gender, marital status, sexual orientation, age (if the individual is 18 years of age or older), or disability not directly and substantively related to effective performance. It is also the policy of PDSC to establish and maintain a program of affirmative action to address the effects of discrimination intended and unintended, which is indicated by analysis of present employment patterns, practices and policies.

PDSC's Non-Discrimination and Affirmative Action Plan shall be followed by all PDSC staff. All personnel actions of PDSC shall be administered according to this policy. PDSC's supervisory and management staff shall ensure that the intent as well as the stated requirements of the Plan are implemented. In addition, it is the duty of every employee of PDSC to create a job environment that is conducive to non-discrimination and free of any form of discrimination or discriminatory harassment.

This Non-Discrimination and Affirmative Action Plan will be posted in plain sight at all times for employees' use and referral. Any agency or member of the public requesting a copy of the PDSC Affirmative Action Plan shall be provided one at no cost.

## **Agency Diversity & Inclusion Statement**

PDSC recognizes a diverse workforce is crucial in service to Oregonians. We treat all people with dignity and respect and will not discriminate on the basis of race, color, national origin, religion, gender, age, marital status, sexual orientation, political or religious affiliation, or physical or mental disability.

## **Training, Education, and Development Plan**

The Oregon State Bar requires every attorney licensed to practice law in the state to attend Continuing Legal Education (CLE) programs that train and educate lawyers concerning issues of ethnic diversity and cultural competency. PDSC presents in-house training programs that satisfy these requirements, and also includes all non-attorney employees.

## **Programs**

### ***Career Fairs/Community Outreach***

PDSC employees participate annually in career fairs at each of Oregon's three colleges of Law and with the Oregon Bar Association's Diversity & Inclusion program which "serves to increase the diversity of the Oregon bench and bar to reflect the diversity of the people of Oregon, by educating attorneys about the cultural richness and diversity of the clients they serve, and by removing barriers to justice."

## ***Trade-specific Events***

PDSC attorneys regularly participate in the Oregon State Bar's recruitment and retention program, Opportunities for Law in Oregon (OLIO), for law students, who contribute to the bar's historically or currently underrepresented membership; who have experienced economic, social, or other barriers; who have a demonstrated interest in increasing access to justice; or who have personally experienced discrimination or oppression. The OLIO program provides PDSC the opportunity to provide mentoring and career planning skills to student members.

In addition, PDSC attorneys work closely with the three Oregon law schools, Lewis & Clark Law School, Willamette University College of Law and University of Oregon School of Law, to provide mentoring and career planning assistance to law school students.

## **Roles for Implementation of Affirmative Action Plan**

The person responsible for discharging this policy is PDSC's Executive Director, Nancy Cozine.

The Chief Defender of PDSC's Appellate Division and the Human Resources Manager are assigned the following responsibilities:

- Brief all new employees on PDSC's Affirmative Action Plan and their role in supporting it.
- Periodically review training programs and hiring and promotion patterns in order to remove impediments to attaining affirmative action goals and objectives.
- Regularly discuss PDSC's affirmative action policy with employees to ensure the policy is being followed.
- Periodically review office policies, practices and conditions to ensure that:
  - Equal Employment Opportunity information and PDSC's affirmative action policy are properly displayed;
  - all facilities for the use and benefit of employees are in fact desegregated, both in policy and in use, exclusive of those areas excepted by federal laws and regulations;

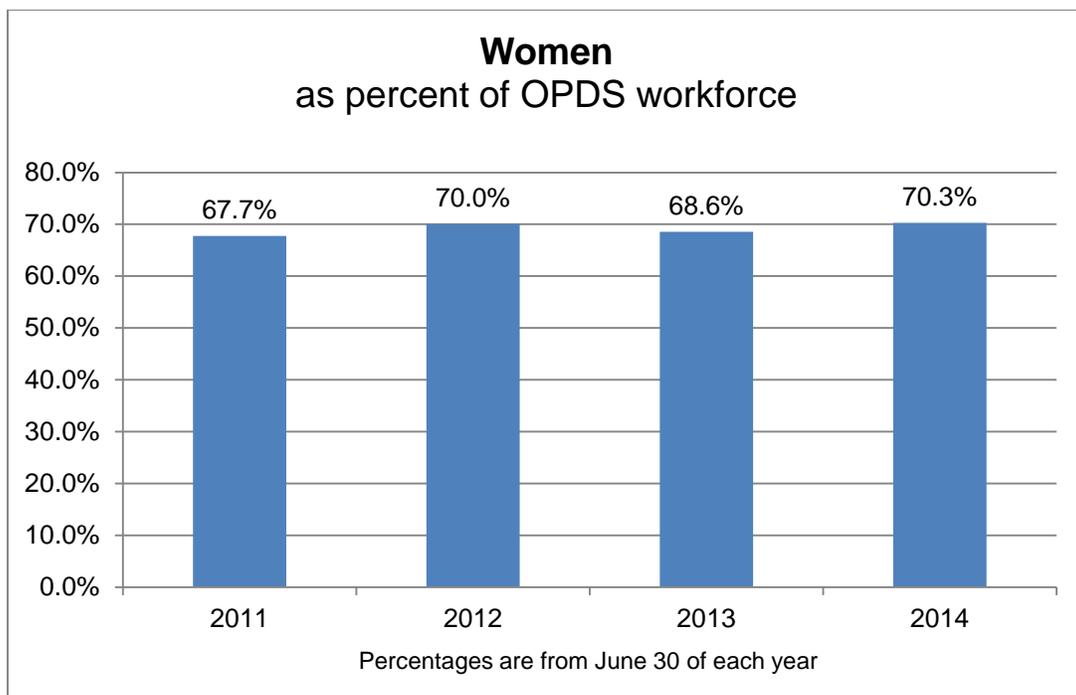
- minorities, females, and disabled employees are afforded a full opportunity to participate in PDSC's educational, training, recreation and social activities; and
- all facilities are accessible to disabled employees or clients.

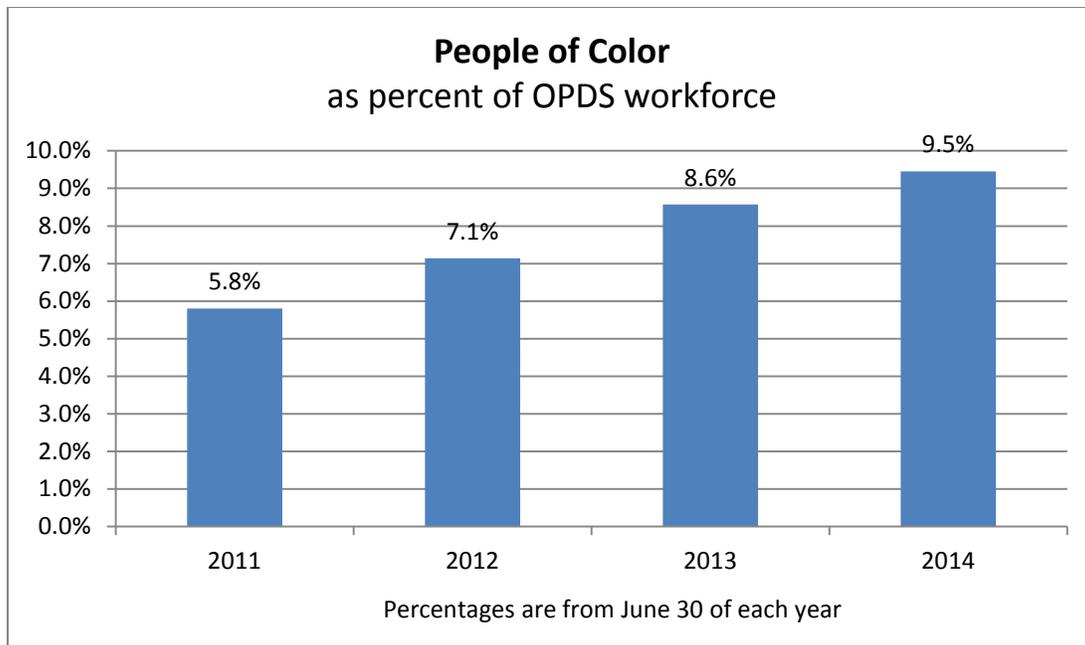
## Accomplishments

With a total workforce of 75 employees, PDSC employs 53 women and seven people of color.

PDSC has four job groups: official/administrator, professional, paraprofessional, and administrative staff. The official/administrator group has five positions, four of which are filled by women, one by a person of color. The professional group has 47 positions, 29 of which are filled by women and four of which are filled by people of color. The paraprofessional group has three positions, two of which are filled by women. There are 19 positions within the administrative staff group, 17 of which are filled by women and two of which by people of color.

The agency meets (or is within a fraction of a position) or exceeds goals for women and people of color. The agency does not have data on the goal for disabled persons, since disclosure is voluntary for employees.





## July 1, 2012 – June 30, 2014

- Hired Figure 8 Consulting to deliver diversity and inclusion training to all staff on May 30, 2014. This program Perception and Prejudice: Understanding the Attitudes, Stereotypes and Hidden Biases that Influence Judgment and Action satisfied the CLE requirements of the Oregon State Bar for attorney staff and was also presented to all non-attorney employees.
- Attended and made presentations regarding employment in public defense at job fairs and recruitment events at Oregon law schools and at national and regional events sponsored by minority law student groups and others.
- Continued to develop working relationships with criminal law faculty, career counselors, and placement offices in Oregon's three law schools to identify and recruit law students of color, with disabilities, veterans and women who might be interested in internships and attorney positions in the state's public defense system.
- Continued to participate in job fairs and recruitment programs throughout the Pacific Northwest for law students and attorneys of color, with disabilities, veterans and women who are interested in careers in public service and public defense.

- The agency's goals and strategies for diversity in sourcing, recruiting, hiring and retention practices, as well as the agency's ability to attract and retain a diverse workforce were improved with the hire of a Human Resources Manager in late 2013.
- Use of [www.Oregonjobs.gov](http://www.Oregonjobs.gov) and the Oregon Employment Department's iMatch system for all agency external recruitments. These systems provide a wider range of outreach and sourcing of job candidates with the benefit of statistical recruitment data to better identify areas of disproportionate representation in recruitment and hiring.
- Continued to encourage public defense attorneys to examine the causes of disproportionate representation of minority clients in the criminal justice, juvenile justice and child welfare systems and to identify and implement strategies to address overrepresentation.
- Prepared and presented an elimination of bias training to OPDS attorneys and staff.
- Developed and held a Leadership Workshop to PDSC managers which focused on the lifecycle of the workforce: workforce planning, recruitment, onboarding, performance management, employee development and employee transitions.

## Goals and Strategies

### July 1, 2015 – June 30, 2017

- The demand for minority attorneys and other legal professionals such as trial assistants and investigators is high in Oregon, as it is elsewhere in the country. In order to attract these professionals to public defense work, PDSC needs to be able to offer compensation that is at least comparable to the compensation offered to district attorneys and other government lawyers in the state. In support of this effort PDSD has included in its 2015-2017 budget request policy packages that would help it achieve parity in compensation with prosecution lawyers for its appellate lawyers and for at least some of its private contractors.
- Expand outreach for employment opportunities to members of protected classes not represented in PDSC's current workforce.

- Assess minority group staffing on an ongoing basis to ensure PDSC is making progress toward meeting these objectives.
- Refine recruitment strategies and hiring practices to facilitate the placement and promotion of minority group personnel for both internal and external recruitments.
- Actively participate on trade and state-wide affirmative action committees, organizations and activities to promote PDSC's Affirmative Action Plan.
- Continue to distribute job announcements to all PDSC diversity partners to ensure that a diverse workforce is encouraged to apply for our job openings.
- Continue to provide outreach to people of color, people with disabilities, veterans and women through job fairs, career centers and college visits.
- Support a welcoming environment that is attractive to a diverse pool of applicants and our current employees and is inclusive, accepting and respectful of others differences and recognizes the value of each individual's unique contributions.
- PDSC will survey its contractors to obtain reliable data about workforce composition and establish appropriate goals to expand the number of minority attorneys and staff members employed in public defense in Oregon.
- In anticipation of the difficulty of recruiting successfully from the small group of minority attorneys graduating from Oregon law schools each year, PDSC will work with its contractors to develop strategies for promoting legal careers and, specifically, careers in public defense, among Oregon high school and college students.

# Appendix A – PDSC Policy Documentation

## ***PUBLIC DEFENSE SERVICES COMMISSION'S NON-DISCRIMINATION AND AFFIRMATIVE ACTION PLAN***

### ***Introduction***

The purpose of this plan is to initiate and maintain a non-discrimination and affirmative action program consistent with directives of the Governor and applicable state and federal laws and regulations.

### ***Non-Discrimination and Affirmative Action Policy***

It is the policy of the Public Defense Services Commission that no person shall be discriminated against by reason of race, color, national origin, religion, gender, marital status, sexual orientation, age (if the individual is 18 years of age or older), or disability not directly and substantively related to effective performance. It is also the policy of PDSC to establish a program of affirmative action to address the effects of discrimination intended and unintended, which is indicated by analysis of present employment patterns, practices and policies.

PDSC's Non-Discrimination and Affirmative Action Plan shall be followed by all PDSC staff. All personnel actions of PDSC shall be administered according to this policy. PDSC's supervisory and management staff shall ensure that the intent as well as the stated requirements of the Plan are implemented. In addition, it is the duty of every employee of PDSC to create a job environment that is conducive to non-discrimination and free of any form of discriminatory harassment.

This Non-Discrimination and Affirmative Action Plan will be posted in plain sight at all times for employees' use and referral. Any agency or member of the public requesting a copy of the PDSC Affirmative Action Plan shall be provided one at no cost.

### ***Harassment in the Workplace Policy and Procedures***

Harassment is a form of discrimination that is prohibited by state and federal law and by PDSC's Affirmative Action Policy. Any person who believes that he or she has been harassed at PDSC based on race, color, national origin, religion, gender, marital status, sexual orientation, age, or disability, or based on opposition to discrimination or participation in investigation or complaint proceedings under this policy may file a formal or informal complaint with PDSC's Executive Director. Confidentiality will be maintained to the fullest extent permitted.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Harassment based on race, color, national origin, religion, gender, marital status, sexual orientation, age, disability, or because the employee opposed job discrimination or participated in an investigation or complaint proceeding under this policy is any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, intimidation or threat engaged in by an individual that is directed at and offensive to another person or persons in the workplace, that the individual knew or ought reasonably to have known would cause offense or harm when:

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

PDSC's informal complaint process affords an opportunity to gather information to either establish a suspicion of harassment or to attempt to resolve a disagreement without following PDSC's formal complaint procedure. An informal complaint involves the following procedures:

- The complainant submits a written or oral complaint to the Executive Director or his designee,<sup>1</sup> who advises the complainant of her or his right to file a formal complaint with PDSC or with other state and federal agencies.
- The Executive Director contacts the individual or individuals accused of harassment to discuss the alleged harmful act.
- The Executive Director develops a proposed resolution, if appropriate, and informs the parties of that proposed resolution within fifteen (15) calendar days of receipt of the informal complaint.

---

<sup>1</sup> The Executive Director will appoint as her "designee" for the purposes of PDSC's informal and formal Harassment in the Workplace complaint procedures a PDSC employee who has no management or supervisory responsibilities and who possesses personal characteristics that will not discourage employees' reports of harassment. All references to "Executive Director" in the informal and formal complaint procedures are meant to include this designee.

- If the proposed resolution is unacceptable to the complainant, she or he may file a formal complaint with the Executive Director.

PDSC's formal complaint process ensures the investigation of cases of alleged harassment, the determination as to whether or not harassment has occurred and, where appropriate, the resolution of a complaint. A formal complaint involves the following procedures:

- The complainant submits her or his complaint in writing to the Executive Director or his designee, which must be filed within 365 days of the alleged harmful act.
- The Executive Director acknowledges in a Letter of Acknowledgement receipt of the formal complaint, which includes information on the complainant's right to file a complaint with other state or federal agencies. Copies of the Letter of Acknowledgement are sent to the individual or individuals accused of harassment and the director of the relevant division of PDSC. Upon determining that the complaint is facially valid, the Executive Director conducts a thorough investigation of the complaint.
- Within thirty (30) calendar days of receipt of the formal complaint, the Executive Director informs the complainant and all persons who received copies of the Letter of Acknowledgement of the formal complaint by a Letter of Determination of the final status of the complaint, its disposition and the complainant's rights to file a complaint with other state or federal agencies.

### ***Persons with Disabilities Policy and Procedures***

It is the policy of PDSC to comply fully with Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) as amended by the 2008 ADA Amendments Act, and other applicable federal and state laws that prohibit discrimination on the basis of disability. The Rehabilitation Act and the ADA require that no qualified person shall, solely by reason of disability, be denied access to, participation in, or the benefits of, any program or activity operated by PDSC. Each qualified person shall receive the reasonable accommodations needed to ensure equal access to employment, educational opportunities, programs, and activities in the most integrated setting.

For a disability to be protected by the ADA, an impairment must substantially limit one or more major life activities. These are activities that an average person can perform with little or no difficulty, such as walking, seeing, or working. Temporary impairments, including pregnancy, are not covered as disabilities under the ADA.

PDSC's employees or qualified applicants for employment by PDSC with disabilities shall be responsible for:

- notifying PDSC in a timely fashion of their need for reasonable accommodations;
- submitting appropriate documentation of the disability from an appropriate professional prior to receiving the accommodations requested; and

- demonstrating and documenting how the disability affects the employee's job processes, functions, responsibilities or performance evaluation criteria when requesting reasonable accommodations.

Upon receiving such notification and documentation from a disabled employee or applicant for employment requesting reasonable accommodation, PDSC shall be responsible for:

- making reasonable accommodations for a physical or mental disability, including but not limited to job restructuring, reassignment to a vacant position, part-time or modified work schedules, assistive technology, or aides or qualified interpreters, which do not create an "undue hardship" (defined as significantly difficult or expensive), and excluding the creation of new jobs or the reallocation of essential functions to another employee;
- engaging in an interactive process with the disabled employee or qualified applicant for employment with regard to the type of accommodation that will enable the individual to perform the essential functions of the relevant position;
- evaluating the employee's or applicant's physical or mental limitations in order to determine the accommodation that will be effective, excluding accommodations of a personal nature such as a guide dog for a visually impaired employee, or a wheelchair;
- keeping confidential any medical information obtained from a disabled employee or applicant; and
- using qualification or performance standards, tests and other selection criteria that screen out individuals with disabilities only when they are (a) job-related and consistent with business necessity and (b) cannot be satisfied through the provision of a reasonable accommodation.

# Appendix B – Workforce Representation Report

Updated  
7/7/14

Office of Public Defense Services  
Affirmative Action Analysis as of  
June 30, 2014

EEO Categories	Total Emp	WOMEN (W)			PEOPLE OF COLOR (P)			Total Hires Q1 and Q2	Protected Class Hires** 1/1/14 through 6/30/14			
		Actual FTE*	Parity	FTE*	Actual FTE*	Parity	FTE*		W	P	D	
A) Official/Administrator	5	4	80.00%	43.00%	2.15	1	20.00%	12.20%	0.12	1	1	1
B) Professional	47	29	61.70%	30.60%	14.38	4	8.51%	9.50%	0.38	1	1	
E) Paraprofessional	3	2	66.66%	58.10%	1.74	0	0.00%	9.80%	0.00			
F) Administrative staff	19	17	89.47%	70.30%	13.16	2	10.53%	9.70%	0.19			
	74	52	70.27%			7	9.46%			2		

Affirmative Action Statistics are voluntary and may not accurately reflect the actual diversity of the agency.

\* May be duplication in counts of individuals within the W, P and D categories

People with Disabilities			
Total Agency	Parity	Total Group	Group %
74	6%	0	0.00%