

# AUDIT OF FEDERAL JUDICIARY EFFORTS TO PREVENT, ADDRESS WORKPLACE MISCONDUCT



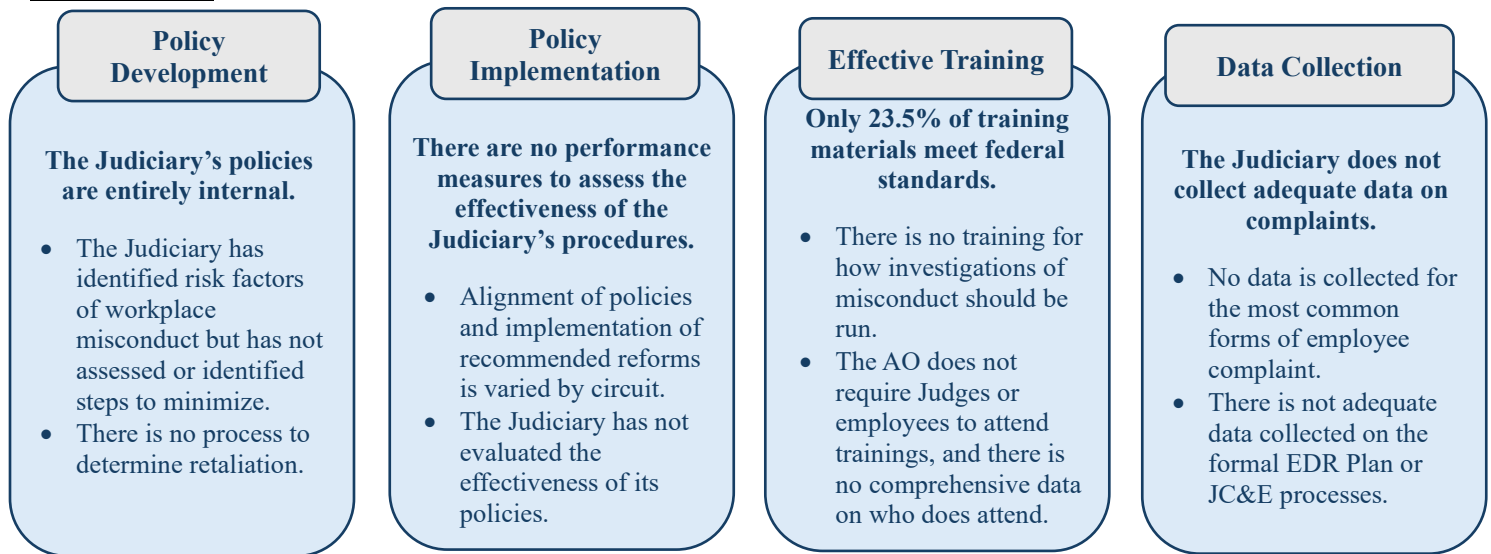
*The Judiciary “does not have performance measures in place for its workplace conduct efforts and has not evaluated the effectiveness of its efforts.”*

Government Accountability Office (GAO), Report 24-205638

The protection of the Judiciary’s 30,000 employees is limited to workplace policies “that are entirely internal to the judiciary”, not the laws that apply to other Americans. In 2020, at the request of Representatives Norma Torres, Hank Johnson, and Jackie Speier, the Government Accountability Office (GAO) examined the Judiciary’s systems to prevent and address workplace misconduct. The Administrative Office of the Courts failed to fully cooperate with the GAO audit, a process that relies heavily on transparency. Over 2 years, the Judiciary only permitted GAO to interview one current Judiciary employee and one former employee to gain an “employee perspective,” severely limiting GAO’s ability to assess the practical implementation of the Judiciary’s policies.

GAO found that the Judiciary has yet to develop performance measures to better evaluate its workplace misconduct efforts, primarily the Model Employment Dispute Resolution Plan (EDR). Overall, GAO found that Judicial systems aligned with only 65% of federal standards evaluated. Deficient areas include methods to ensure written policy is implemented correctly and employee rights are substantive in practice; processes to prevent, identify, and end retaliation; training, where training materials met only 23.5% of the federal standards evaluated; and data collection, where the Judiciary does not collect adequate data on complaints including complaints involving judges and complaints using the most common form of dispute resolution, among other areas. GAO noted that the lack of data collection “may limit” the Judiciary’s ability to understand and fully address workplace misconduct within its organization.

## MAIN ISSUES:



## GAO RECOMMENDATIONS:

### *The Administrative Office of the Courts should:*

- Update workplace conduct training materials and activities, in collaboration circuit-level officials;
- Evaluate the effectiveness of the Judiciary’s Employee Dispute Resolution (EDR) policies and procedures;
- Evaluate the effectiveness of the Judicial Conduct and Disability Act (JC& D) policies and practices in the workplace.

### *The Judicial Conference should:*

- Set performance measures to determine whether policies are achieving established strategic workplace conduct goals;

### *Collaboratively, the AO and Judicial Conference should:*

- Update the Model EDR plan and related activities;
- Update the workplace conduct training materials and activities in the circuits;
- Develop a circuit-level mechanism to collect and analyze data on workplace misconduct complaints made outside of the EDR plan and JC&D processes.