

INTRAOFFICE RELATIONSHIPS

IDS Policy:

This policy supplements, and does not supersede, the Administrative Office of the Courts' (AOC's) Unlawful Workplace Harassment policy. For purposes of this policy, the head of each office is deemed to be a supervisor of all office employees.

Intraoffice sexual or romantic relationships involving supervisors and the employees they manage or involving office workers where there is a power imbalance can present risks to the individual participants and to the office as a whole. Although the relationship may appear to be consensual, the subordinate employee may not feel that he or she has a real choice. Other employees may perceive favoritism and disparate treatment toward the subordinate, particularly if the subordinate receives promotions, salary increases, or special assignments while other employees do not. On the other hand, if the subordinate does not receive promotions, salary increases, or special assignments and other employees do, the subordinate may feel that he or she is being treated differently because of the relationship. If the relationship continues, the possibility that others will feel discriminated against increases; if the relationship ends, the possibility that the subordinate will feel discriminated against increases, as do the hazards of creating a hostile work environment for all. If the subordinate leaves the office for other work, it must be done voluntarily, and the office cannot force the subordinate to do so. Ultimately, the office, as well as the Office of Indigent Defense Services (IDS) and AOC, may face liability for claims of discrimination and harassment.

In order to minimize the risks of intraoffice sexual or romantic relationships, in the event of such a relationship between a supervisor and a subordinate or between employees with a power imbalance, early disclosure is required. The head of the office shall notify the IDS Director as soon as reasonably possible after the relationship begins or is discovered; in the event of a relationship that predates the subordinate's hire, the head of the office shall notify the IDS Director in advance of the hire. If the IDS Director is a party to the intraoffice relationship, the Director shall notify the Chair of the IDS Commission. The IDS Director or his or her designee will arrange a meeting with the head of the office and the AOC Human Resources (HR) Department to discuss options, including, if feasible, different workplace or supervisory arrangements for the affected parties. AOC HR and/or IDS staff may also conduct a confidential investigation and confer with other relevant people as necessary. If an office is in doubt about whether a relationship is reportable, the head of the office should ask the IDS Director about it as soon as the relationship is discovered or reasonably suspected. Failure of a head of an office to report an intraoffice romantic or sexual relationship involving a supervisor and a subordinate or between employees with a power imbalance will be regarded as a serious deficiency in his or her management of the workplace and will be considered in the performance evaluation of the office.

Effective June 1, 2012; Updated November 25, 2013.