

BACKGROUND INFORMATION

Department Name: Civil Service Commission

Equity Lead(s): Kristen Woodward and Nicole Rawlings

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EQUITY IMPACT PLAN REPORT

Goal 1: Collect and analyze demographic data to identify disparities.

1a. Collect race demographic data on grievance outcomes:

Progress: The Civil Service Commission serves as the appellate hearing body to adjudicate qualifying employee grievances. Qualifying grievances are those that have properly navigated the first three steps of the grievance process, as required, and received a favorable grievability determination entitling them to a hearing before the Civil Service Commission. Thus, not all grievances initiated by employees reach the Commission. During calendar year 2023 (CY23), the Civil Service Commission handled thirty-one grievances, with twenty-one reaching resolution. The Grievant identified as White in 68% of the appeals handled, 26% as Black or African American and 2% as Asian.

Six of the grievances handled advanced to a hearing, five of which were denied, maintaining the disciplinary action originally imposed, and one appeal was upheld.¹ Grievants identified as White in five of the six appeals that advanced to hearing. One Grievant identified as Black or African American.

Approximately 29% of the appeals resolved by settlement and 16% of the appeals were withdrawn by the grievant prior to hearing. Grievants whose appeals either settled or withdrew identified as Black or African American or White in equal numbers. Thus, the data does not reflect any notable differences with respect to race and hearing outcomes in CY23.

Fifty-three percent of the County workforce identify as White, 21% as Black or African American, 12% Hispanic/Latino, and 12% Asian. The remaining 2% identify as American Indian or Alaskan Native or as having Two or More Races.²

However, gathered data reflects that Grievants who identify as White or Black or African American engage in the hearing phase of the grievance process at levels that exceed the relative representation in the County Workforce. Individuals who identify as Hispanic/Latino, Asian, Alaskan Native or American Indian are underrepresented as compared with their representation in the County Workforce.

¹ Employees may appeal certain types of disciplinary actions, perceived discriminatory treatment and or retaliation and the application of policy and procedures. However, all cases that advanced to hearing in 2023 in which the appeal was denied, involved disciplinary action.

² County workforce race/ethnicity data was obtained from the Department of Human Resources.

Further evaluation of disciplinary and appeal data at the earlier stages of the grievance process is needed to evaluate and assess trends and potential disparities.

With respect to gender, of the grievances the CSC handled in CY23, 68% of individuals identify as male and 32% identify as female. Conversely, the County workforce is comprised of 50% of individuals who identify as male and 50% as female. Again, more information is needed to trend the data throughout the process.

Figure 1

2023 Grievance Outcomes by Race		OUTCOME					
RACE	Withdrawn	Settled	Denied	Dismissed	Upheld	Pending	TOTAL
White	2	4	4	1	1	9	21
Black or African American	2	4	1	0	0	1	8
Hispanic/Latino	0	0	0	0	0	0	0
Asian	1	0	0	0	0	0	1
Unknown	0	1	0	0	0	0	1
TOTAL	5	9	5	1	1	10	31

[1](#) Employees may appeal certain types of disciplinary actions, perceived discriminatory treatment and or retaliation and the application of policy and procedures.

1b. Collect race demographic data on who seeks/receives ADR services.

Progress: ADR evaluates service delivery which includes collecting demographic data by race for individuals who seek and receive ADR services. Individuals seeking ADR services complete a consultation intake with ADR staff. Once the consultation intake is complete, individuals receive an evaluation survey. Clients self-report their race. ADR conducted 74 consultations in CY23. However, only 24% of clients completed the consultation evaluation (see figure 2). With a response rate of only 24%, the data reflects an incomplete picture, making it difficult to draw meaningful conclusions. It is of note that the number of respondents has increased 14% from the CY22 Equity Impact Report.

Individuals who receive ADR services also complete a post session evaluation where they report their race. Figure 3 shows clients who completed evaluations after participating in ADR services. While the number of sessions ADR performed have increased from the prior calendar year, service numbers have not returned to pre-pandemic levels.

When comparing consultation and County workforce data by race, the percentage of Black or African American individuals who sought ADR services is similar to their representation in the County workforce at 22% (figure 2) and 21% respectively. Sixty-one percent of individuals who sought ADR services identified as White as compared with their representation in the County workforce at 53%. Individuals who identified as Hispanic/Latino accounted for 23% of individuals engaging with an ADR process and

makeup 12% of the County workforce. The data also demonstrated that 23% of the individuals who sought ADR services identified as Asian while accounting for 12% of the County workforce.

While information concerning gender was not collected in CY2023, it will be collected moving forward in CY24 to get a baseline understanding of who seeks and receives ADR services.

Figure 2

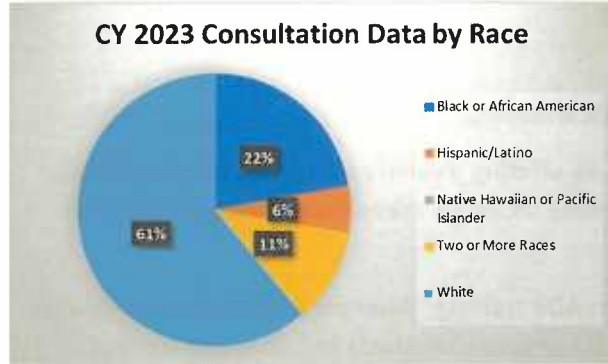
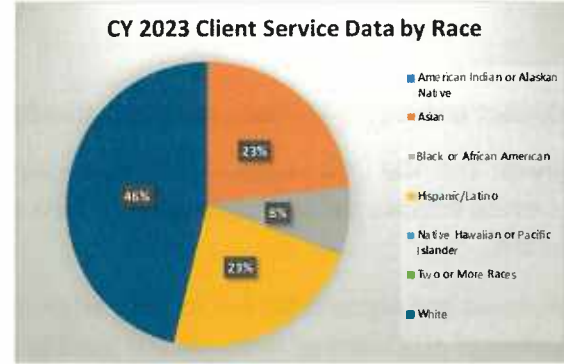


Figure 3



1c. Collect demographic data on who provides ADR services – excluding ADR staff.

Progress: The ADR Office offers peer mediation and conflict coaching services to all Fairfax County employees (including contractors and volunteers). ADR maintains a cadre of trained ADR Practitioners (Practitioners) trained to provide conflict intervention services. Practitioners are trained Fairfax County employees from different departments, agencies, and offices who serve on a volunteer basis. Practitioners attend the required training provided by ADR staff (28 hours for mediation and 36 hours for conflict coaching). County employees interested in serving as Practitioners complete an application, interview, and mock mediation or conflict coaching session.

The ADR Office intentionally develops and maintains a cadre of practitioners of diverse backgrounds, allowing for the identities of employees to be reflected in the provision of ADR services. When conducting consultations with employees to provide ADR support, ADR staff note any issues of identity contributing to the conflict. Clients are then asked if they have any preferences regarding the identity of Practitioners who may provide mediation and/or conflict coaching services. Any stated preferences are honored to the best of ADR staff’s ability to help create a psychologically safe environment for clients.

Demographic data for ADR Practitioners delivering services in CY23 show that 60% of ADR Practitioners identified as White, 30% as Black or African American, and 10% as Hispanic/Latino. When compared to the overall makeup of the County workforce which is 53% White, 21% Black or African American, 12% Hispanic/Latino, we found that our pool of ADR Practitioners was not fully representative of the diversity across the County workforce. It is of note that 12% of the County workforce is Asian; however, there were no active Practitioners in 2023 that identified as Asian. In looking back at CY22, the ADR Practitioner roster reflected a similar gap in diversity/inclusion. CY22 data regarding Practitioners indicated that 25% identified as Black or African American, 63% identified as White, and 12% identified as Hispanic/Latino.

Eighty percent of the Practitioners identify as female, while 20% identify as male. This is not congruent with the makeup of the County workforce, with 50% of the workforce identifying as female and 50% identifying as male.

The data demonstrates the intention of the ADR Office to develop and maintain a highly diverse and inclusive Practitioner roster, while also highlighting areas for improvement as new strategies for recruitment are considered and implemented in CY2024.

1d. Collect demographic data on who attends ADR training.

Progress: The ADR Office supports County employees by offering a variety of trainings and workshop series which educate participants on the life cycle of conflict including prevention, management, and resolution.

Five hundred and eighty (580) employees participated in ADR training. Multiple individuals participated in a variety of ADR training. However, this number reflects unique individuals and does not contain duplicates.

Regarding gender, the majority of employees who participated in ADR training identified as female. This is greater than the percentages reflected in the makeup of the County workforce, of which 50% identifies as male and 50% identifies as female.

In examining figure 4, a little less than half of ADR Training participants are White (47%), while 21% are Black or African American, 14% Hispanic/Latino, and 15% are Asian. A combined 4% of participants are Two or More Races, Native or Pacific Islander, and American Indian or Alaska Native. The ADR training data is somewhat representative of the County employee data as 53% are White, 21% are Black or African American, 12% are Hispanic/Latino and 12% are Asian.

Figure 4



2. To create understanding of how our processes, policies, and decision-making are informed by implicit biases (IB) and incorporate strategies to interrupt them.

2a. Incorporate Implicit Bias/microaggression training/discussions in practitioner meetings.

Progress: ADR staff provide bi-monthly Practitioner meetings and communication. CY23 topics included the following: strategies for interrupting bias in self, clients, and co-mediators; engaging a learner mindset to give and receive feedback with co-mediators; and practicing self-reflection to counteract biases. Meetings included a variety of formats such as lecture, pair-share, small group discussion, large group discussion, and role play to accommodate a variety of learning styles and to maximize engagement. Practitioner meetings focused on enhancing awareness and developing strategies to effectively counteract bias in delivering ADR services.

ADR staff created a survey to gauge the percent of Practitioners who reported an increased understanding and awareness/of implicit bias/structural racism /microaggressions after attending ADR Practitioner meetings. The data indicates that 38% of Practitioners experienced a significant increase in their level of awareness and/or understanding of implicit bias/structural racism/microaggressions due to participating in 2023 Practitioner meetings. An additional 50% of respondents answered 'yes, somewhat' to reflect some increase in awareness/understanding of the topics while only 12.5% indicated that they already had the knowledge and/or did not learn new information in the meetings. On a separate note, when asked if they felt more equipped to address and manage bias as a result of attending Practitioner meetings, 75% of respondents stated "yes", that they felt more equipped to address and manage bias, while 12.5% indicated 'no' and 12.5% of respondents were 'neutral'.

2b. Develop reflection tools to assist practitioners in identifying and interrupting IB that might be impacting service delivery.

Progress: ADR staff developed two tools in CY23 for ADR Practitioners. The first tool facilitates Practitioner self-awareness and encourages critical thinking as they prepare, deliver, and reflect on ADR service delivery. The tool lists several self-reflection questions. It is meant to address Practitioners assumptions about parties and situations as this can impact how they 'show up' when they facilitate processes. The second tool, entitled *Interrupting Bias: A Reflective Guide for ADR Practitioners*, outlined self-reflection questions for developing Practitioner awareness of bias in self, clients, and co-mediators. The tool includes strategies/action steps for Practitioners to use with self, clients, and co-mediators to interrupt or counteract bias in service delivery. It is essential for Practitioners to have a grounding in self-reflection as they identify their own assumptions and implicit biases. The ADR office will continue to challenge and support Practitioners as they enhance their self-awareness and implement strategies for effectively counteracting bias in the provision of ADR services.

2c. Explore and participate in external training opportunities around ADR and equity.

Progress: ADR and CSC staff took part in online unconscious bias training offered by Microsoft in the Inclusion Journey modules. Staff also reviewed and discussed several articles/materials exploring alternative theories, methods, and strategies for counteracting bias developed by the Harvard Business Review, the Washington Post, and Ohio State University.

2d. Additional work in equipping County workforce to understand the concepts of implicit bias and structural racism, and actively employ strategies to counteract bias.

Progress: During CY23 ADR and CSC staff worked with the One Fairfax team to finalize material for the new County-wide training entitled "Implicit Bias and Structural Racism: Examining the Cycle". A pilot phase was launched and completed, delivering the training to four identified groups of County

employees. Feedback from the pilot phase was then incorporated into further refinement of the material, as the first phase of full training rollout was initiated. A total of 8 additional groups received training in implicit bias and structural racism in CY23.

3. Review and update training content and resources to ensure inclusive and representative material

Progress: The field of Alternative Dispute Resolution lacks diversity, and materials produced for the purpose of teaching ADR concepts reflect this gap. During CY23, ADR staff began conducting a search for material, videos, and books to include the voices, ideas, and research of people of color. Staff identified parameters for selection, such as resources dating from 2017 to the current date. Staff also expanded search queries to include other disciplines related to alternative dispute resolution and conflict management, such as social work, human resources, organizational development, change management, psychology, communication, emotional intelligence, and leadership to name a few. Overall, staff identified new resources which matched the search parameters. ADR staff was able to include new material into trainings, presentations, and practitioner meetings from 4 resources listed below.

The New Middle: Connecting Heart and Mind to Collaboratively Disagree: Galindo, Bryant.

Biased: Uncovering the Hidden Prejudice That Shapes What We See, Think, and Do: Eberhard, Jennifer.

Active Listening Techniques: 30 Practical Tools to Hone Your Communication Skills by Leonardo, Nixaly, LCSW.

Digital Body Language: How to Build Trust and Connection, No Matter the Distance: Dhawan, Erica.

ADR staff will continue to research, identify, and incorporate new diverse material and resources. The goal continues to be to incorporate new sources into each training offered by the ADR office.