

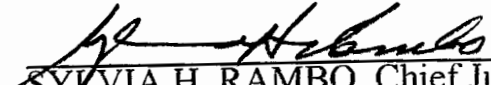
IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: EMPLOYMENT DISPUTE
RESOLUTION PLAN
"EDR PLAN"

: STANDING ORDER #98-4
:
:
:

ORDER

Pursuant to a decision of the Judicial Conference of the United States, this court hereby establishes an Employment Dispute Resolution Plan ("EDR Plan") for the United States District Court, Middle District of Pennsylvania. Such Plan, as approved by the Judicial Council of the Third Circuit on December 9, 1998, applies to all offices of the district court as well as the United States Probation Office, and shall become effective January 1, 1999.

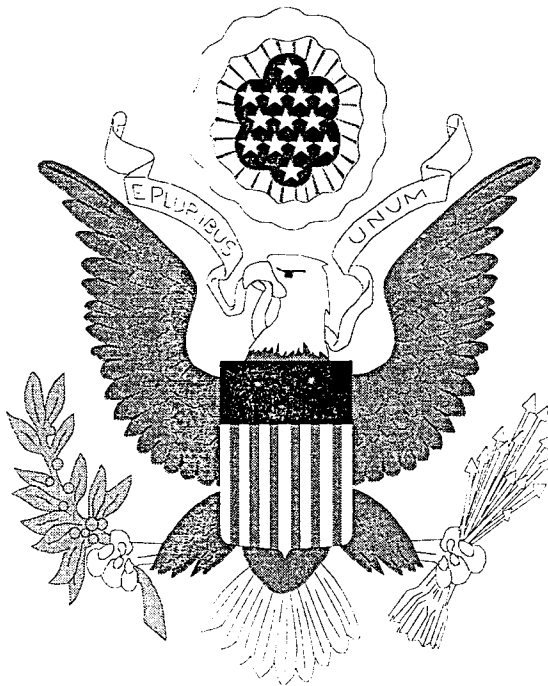

SYLVIA H. RAMBO, Chief Judge
Middle District of Pennsylvania

Dated: December 29, 1998.

APPENDIX I

***UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT of PENNSYLVANIA***

EMPLOYMENT DISPUTE RESOLUTION PLAN



EMPLOYMENT DISPUTE RESOLUTION PLAN

CHAPTER 1 - GENERAL PROVISIONS

§ 1 *PREAMBLE*

This Plan shall be known as the Federal Judiciary Employment Dispute Resolution Plan. It was adopted by the Judicial Conference of the United States in order to provide rights and protections to employees of the United States courts which are comparable to those provided to legislative branch employees under the Congressional Accountability Act of 1995.

The Plan supersedes Appendix I ("Discrimination Complaint Procedures") of the current Middle District of Pennsylvania's Affirmative Action Plan ("AA Plan"), except for Section VI of Appendix I ("Annual Report") imposing requirements on the courts. Claims arising under Chapters II through VII of this Plan, or under Sections I through VII of the Middle District's AA Plan, shall be treated in accordance with the procedures set forth in Chapter VIII of this Plan. The duties of the court's Equal Employment Opportunity (EEO) Coordinator will be assumed by the Employment Dispute Resolution (EDR) Coordinator (established in Section 3 of Chapter VIII of this Plan), except that the dispute resolution duties assigned to the EEO Coordinator under the "AA Plan" will be replaced by the dispute resolution procedures set forth in Chapter VIII of this Plan.

This Plan is to be implemented in the same manner as the "AA Plan." Upon approval of this Plan by the Judicial Conference, each court shall adopt and implement a plan based thereon. Any modification of this Plan by a court must first be approved in its circuit by the judicial council. A copy of each plan and any subsequent modifications shall be filed with the Administrative Office. Each court shall annually submit a report on the implementation of its plan to the Administrative Office for inclusion in the Director's Annual Report to the Judicial Conference.

Policies adopted by individual courts pertaining to adverse action or general grievance proceedings that do not invoke the rights and protections afforded under the EDR Plan are not affected by the Plan. Further, local policies relating to rights enumerated under the Plan that are not consistent with the rights and procedures established herein will not be affected by the Plan.

The EDR Plan is not intended to duplicate the protections provided for the resolution of complaints of judicial officer misconduct or disability under 28 U.S.C. § 372(c) and otherwise is intended to be the exclusive remedy of the employee relating to rights enumerated under the Plan.

§ 2 **SCOPE OF COVERAGE**

This Plan applies to all Article III judges and magistrate judges of the United States District Court for the Middle District of Pennsylvania, as well as to all employees of the district court, including the district judges' chambers staff, magistrate judges' chambers staff, pro se law clerks, official court reporters, the clerk of court and staff, the chief probation officer and staff.

§ 3 **DEFINITIONS**

For purposes of this Plan:

- A. The term “**employee**” includes all individuals listed in Section 2 of this Chapter, as well as applicants for employment and former employees, except as provided below. The term “employee” does not include externs, applicants for magistrate judge positions, private attorneys who apply to represent indigent defendants under the Criminal Justice Act, volunteer counselors or mediators, or other individuals who are not employees of an “employing office” as the term is defined below.
- B. The term “**employing office**” includes all offices of the United States district court, including the offices of clerk of court, chief probation officer, staff attorneys, or any such offices that might be created in the future. The court is the employing office of a judicial officer's chambers staff.
- C. The term “**judicial officer**” means a judge appointed to the district court under Article III of the Constitution or a United States magistrate judge appointed by the judges of the district.
- D. The term “**court**” refers to the district in which is located the employing office which would be responsible for redressing, correcting or abating the violation alleged in the complaint. In the case of disputes involving federal public defenders, the term “court” refers to the appropriate court of appeals.

CHAPTER II - EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-DISCRIMINATION RIGHTS

§ 1 **General** - Discrimination against employees based on race, color, religion, sex (including sexual harassment), national origin, age (at least forty years of age at the time of the alleged discrimination), and disability is prohibited. The rights and protections of Sections I through VII of the Judiciary's Affirmative Action Plan shall also apply to employees. (See attached Affirmative Action Plan.)

§ 2 **Definition** - The term "*disability*" means:

- A. a physical or mental impairment that substantially limits one or more of the major life activities of an employee,
- B. a record of such impairment, or
- C. being regarded as having such an impairment.

See 42 U.S.C. § 12102(2).

§ 3 **Special Provision for Probation and Pretrial Services Officers** - The age discrimination provision of Section I of this Chapter shall not apply to the initial hiring of probation and pretrial services officers. See Report of the Proceedings of the Judicial Conference of the United States (March 1991), pp. 16-17.

CHAPTER III - FAMILY AND MEDICAL LEAVE RIGHTS

§ 1 **General** - Title II of the Family and Medical Leave Act of 1993, 29 U.S. C. § 2611, applies to court employees in the manner prescribed in Volume I-C, Chapter X, Subchapter 1630.1, Section R, of the *Guide to Judiciary Policies and Procedures*.

CHAPTER IV - WORKER ADJUSTMENT AND RETRAINING NOTIFICATION RIGHTS

§ 1 **General** - No "employing office closing" or "mass layoff" (as defined in Section 2 of this Chapter) may occur until the end of a sixty (60) day period after the employing office serves written notice of such prospective closing or layoff to employees who will be affected. This provision shall not apply to an employing office closing or mass layoff that results from the absence of appropriate funds.

§ 2 **Definitions**

- A. The term “employing office closing” means the permanent or temporary shutdown of a single site of employment if the shutdown results in an employment loss at the single site of employment during any thirty (30) day period for fifty (50) or more employees, excluding any part-time employees.
- B. The term “*mass layoff*” means a reduction in force which:
 - 1. Is not the result of an employing office closing; and
 - 2. Results in an employment loss at the single site of employment during any thirty (30) day period for:
 - a. (1) at least thirty-three percent (33%) of the employees (excluding any part-time employees); and
(2) at least fifty (50) employees (excluding any part-time employees); or
 - b. at least five hundred (500) employees (excluding any part-time employees).
See 29 U.S.C. § 2101.

CHAPTER V - EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

- § 1 **General** - An employing office shall not discriminate against an eligible employee or deny an eligible employee reemployment rights or benefits under the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq.

CHAPTER VI - OCCUPATIONAL SAFETY AND HEALTH PROVISIONS

- § 1 **General** - Each employing office shall provide to its employees a place of employment which is free from recognized hazards that cause or are likely to cause death or serious physical harm to employees. Complaints which seek a remedy that is exclusively within the jurisdiction of the General Services Administration (“GSA”) or the United States Postal Service (“USPS”) to provide are not cognizable under this Plan, such requests should be filed directly with GSA or the USPS, as appropriate.
- § 2 **Court Program Requirements** - The court shall implement a Health and Safety Program to achieve the protections set forth in Section 1 of this Chapter. A copy of the Health and Safety Program is included as Attachment A.

CHAPTER VII - POLYGRAPH TESTS

- § 1 **General** - No employee may be required to take a polygraph test.

CHAPTER VIII - DISPUTE RESOLUTION PROCEDURES

- § 1 **General Procedure for Consideration of Alleged Violations** - An employee who claims a denial of the rights granted under Chapters II through VII of this Plan shall seek resolution of such claims through the procedures of this Chapter. Generally, the procedural process consists of:

- A. counseling and mediation;
- B. hearing before the Chief Judge of the court (or a designated Judicial officer) in which the alleged violation arises; and
- C. review of the hearing decision under procedures established by the judicial council of the circuit.

- § 2 **General Provisions and Protections**

- A. **Prohibition Against Retaliation** - Complainants under this Plan have the right to be free from retaliation, coercion or interference because of filing a complaint pursuant to this Plan. Likewise, any person who participates in the filing or processing of a complaint, such as an Employment Dispute Resolution Coordinator, mediator, witness, representative or co-worker, is also entitled to freedom from retaliation.
- B. **Right to Representation** - Every individual invoking the dispute resolution procedures of this Plan has the right to be represented by a court employee of his/her choice if such person is available and consents to be a representative. A court employee may accept the responsibilities of representation if it will not unduly interfere with his/her court duties or constitute a conflict of interest, as determined by the representative's appointing officer.
- C. **Case Preparation** - To the extent feasible, every individual invoking the dispute resolution procedures of this Plan may use a reasonable amount of official time to prepare his/her case, so long as it does not unduly interfere with the performance of his/her court duties.
- D. **Extensions of Time** - The Chief Judge of the court, or other presiding judicial officer, may extend any of the deadlines set further in this Chapter for good cause.

- E. **Records** - At the conclusion of formal and informal proceedings under this Plan, all papers, files and reports will be filed with the court's Employment Dispute Resolution Coordinator ("EDR Coordinator"). No papers, files or reports relating to a dispute will be filed in any employee's personnel folder, except as necessary to implement an official personnel action

§ 3 ***Designation and Duties of Employment Dispute Resolution Coordinator*** - The court shall designate the Personnel Specialist of the District Court to serve as the EDR Coordinator. The Chief Judge may also designate an alternate EDR Coordinator under special circumstances, such as when the EDR Coordinator is absent or unavailable or in circumstances where the EDR Coordinator's involvement would pose a conflict of interest, etc. The duties of the EDR Coordinator shall include the following:

- A. to provide information to the court and employees regarding the rights and protections afforded under this Plan;
- B. to coordinate and organize the procedures and establish and maintain official files of the court pertaining to complaints and other matters initiated and processed under the court's employment dispute resolution plan;
- C. to coordinate the counseling of individuals in the initial stages of the complaint process, in accordance with Section 5 of this Chapter; and
- D. to collect, analyze and consolidate statistical data and other information pertaining to the court's employment dispute resolution process.

§ 4 ***General Disqualification Provision*** - No judicial officer, employee or other person involved in the dispute may counsel, mediate, hear or review a case under Chapter VIII. Any person having a personal bias or prejudice against a party or personal knowledge of evidentiary facts concerning the proceeding shall not participate in the dispute resolution process.

A. **Procedure**

- 1. If an individual involved in a pending or impending proceeding has knowledge that a judicial officer, employee or other person may not be impartial to a court matter, a party may seek the disqualification of the individual by making a written request to the Chief Judge of the court or his/her designee. Such written request shall contain facts regarding why the individual should be disqualified.

2. The Chief Judge of the court or his/her designee will review the disclosed information and will render a decision. If a judicial officer, employee or other person, is to be disqualified from the proceeding, the Chief Judge of the court or his/her designee will inform them of their disqualification and the Chief Judge will designate another individual to handle the matter.
3. In the event the Chief Judge of the court is disqualified, the reviewing official shall be designated by the Judicial Council.

§ 5 Counseling

- A. **Initiating a Proceeding; Formal Request for Counseling** - An employee who believes that his/her rights under Chapters II through VII of this Plan have been violated must first request counseling.
- B. **Form and Manner of Requests** - Requests for counseling:
 1. are to be submitted to the court's EDR Coordinator;
 2. must be in writing;
 3. must be made within thirty (30) days of the alleged violation or within thirty (30) days of the time the employee becomes aware of the alleged violation.
- C. **Procedures**
 1. **Who May Serve as a Counselor** - The counseling shall be conducted by the court's EDR Coordinator, unless the EDR Coordinator is disqualified from serving as counselor, under Section 4 of this Chapter, or is otherwise unavailable. In such instances, the Chief Judge of the court shall designate another qualified individual to perform the counseling function. If the dispute involves an alleged violation of this Plan by a judicial officer, the person who conducts the counseling shall be a judicial officer designated by the Chief Judge.
 2. **Purposes of Counseling** - The purposes of the counseling shall be to discuss the employee's concerns and elicit information regarding the matter which the employee believes constitutes a violation; to advise the employee of his/her rights and responsibilities and the procedures of the court applicable to the employment dispute resolution process; to evaluate the matter, and to assist the employee in achieving an early resolution of the matter, if possible.

3. **Confidentiality** - All counseling shall be kept confidential unless the employee agrees in writing to waive confidentiality of the counseling process for the purpose of allowing the designated counselor to contact the employing office or to attempt a resolution of the disputed matter. A written record of all such contacts must be kept by the counselor and made available for review by the affected person(s).
 4. **Form of Settlement** - The EDR Coordinator shall reduce to writing any settlement achieved during the counseling process and secure the signatures of the employee and the member of the employing office who is authorized to enter into settlement on the employing office's behalf.
- D. **Duration of Counseling Period** - The period for counseling shall be thirty (30) days (or a shorter period if counseling is concluded at an earlier date), beginning on the date that the request for counseling is received by the EDR Coordinator.
- E. **Conclusion of the Counseling Period and Notice** - The EDR Coordinator shall notify the employee in writing of the end of the counseling period. As part of the notice, the EDR Coordinator shall inform the employee of the right and obligation, should the employee choose to pursue his/her claim, to file with the EDR Coordinator a request for mediation in accordance with Section 6 of this Chapter.

§ 6 *Mediation*

- A. **Initiation** - Within fifteen (15) days after receipt by the employee of the notice of the conclusion of the counseling period, the employee may file with the EDR Coordinator a request for mediation. The request must be made in writing and must state the claim(s) presented. Failure to pursue mediation will preclude further processing of the employee's claim under any other provisions of this Chapter.
- B. **Procedures**
1. **Designation of Mediator** - As soon as possible after receiving the request for mediation, the EDR Coordinator shall designate a mediator and provide written notice of such designation.
 2. **Who May Serve as Mediator** - Any court employee with the skills to assist in resolving disputes, except the court's EDR Coordinator, may serve as a mediator under this Plan. If the complaint alleges that a judicial officer has violated the rights protected by this Plan, the mediator shall be a judicial officer designated by the Chief Judge.
 3. **Purpose of Mediation** - The mediator shall meet separately and/or jointly with the employee and his/her representative, if any, and the employing

office to discuss alternatives for resolving a dispute, including any and all possibilities of reaching a voluntary, mutually satisfactory resolution.

4. **Confidentiality** - Any person or party involved in the mediation process shall not disclose, in whole or in part, any information or records obtained through, or prepared specifically for, the mediation process, except as necessary to consult with the parties or their representatives, and then only with notice to all parties. A written record of all such contacts must be kept and made available for review by the affected person(s). In addition, in the event the employee files a complaint pursuant to Section 7 of this Chapter, the hearing officer shall have access to the record of any claims raised in mediation.
 5. **Form of Settlement** - The mediator shall reduce to writing any settlement achieved during the mediation process and secure the signature of the employee and the member of the employing office who is authorized to enter into settlement on the employing office's behalf.
- C. **Duration of Mediation Period** - The mediation period shall be thirty (30) days (or a shorter period if mediation is concluded at an earlier date), beginning on the date the request for mediation is received. The employee is required to attend at least one (1) mediation session. Thereafter, he/she may proceed to file a complaint.
- D. **Conclusion of Mediation Period and Notice** - If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the EDR Coordinator shall provide the employee, the employee's representative, if any, and the employing office with written notice that the mediation period has concluded. The notice shall also inform the employee of his/her right to file a complaint under Section 7 of this Chapter.

§ 7 *Complaint, Review and Hearing*

A. **Initiation of a Complaint**

1. Not later than fifteen (15) days after receiving notice of the end of the mediation period, an employee may file a complaint with the EDR Coordinator. If the EDR Coordinator is named in the complaint or otherwise directly involved with the complaint, the employee shall file the complaint with the Chief Judge of the court or his/her designee.

The respondent shall be the employing office which would be responsible for redressing, correcting or abating the violation(s) alleged in the complaint. No individual shall be named as a respondent in the complaint.

2. **Procedure**

- a. The employee is to present an original and one (1) copy of the complaint to the EDR Coordinator.
- b. The complaint must be submitted in writing and shall contain the following:
 - (1) name, address and telephone number(s) of complainant;
 - (2) the name of the employing office and all involved parties and individuals;
 - (3) all relevant facts constituting the basis for such complaint, including the date and description of the act, omission or condition being challenged;
 - (4) a statement of the relief or remedy being sought; and
 - (5) a statement describing the actions the employee has already taken in an attempt to resolve the matter.

B. **Review of Pleadings**

- 1. **Reviewing Official** - The complaint and any other documents shall be reviewed by the Chief Judge of the court, or by another judicial officer of the court designated by the Chief Judge. In the event the Chief Judge is disqualified under Section 4 of this Chapter, the reviewing official shall be designated by the judicial council of the circuit. In the event the Chief Judge is unavailable to serve under this subsection, the reviewing official shall be designated by the Chief Judge. In the case of a complaint alleging that an Article III judge has violated rights protected by the Plan, that judge may elect to have a hearing conducted by a judge of another court, as designed by the judicial council of the circuit. Any designation of a judicial officer from another court to hear and decide the case shall be arranged by agreement of the Chief Judges of the affected courts.
- 2. **Review Procedures** - After notice to the complainant and an opportunity to respond, the Chief Judge or designated judicial officer may dismiss in writing any complaint that is found to be frivolous, unduly repetitive of a previous complaint, that fails to state a claim upon which relief may be granted, or that makes claims that were not advanced in mediation.

C. **Hearing Procedures**

1. **Hearing Officer** - If the Chief Judge or designated judicial officer does not dismiss the complaint under the preceding subsection, the Chief Judge or designated judicial officer, acting as the hearing officer, shall hold a hearing on the merits of the complaint unless he/she determined that no material factual dispute exists.
2. **Specific Provisions** - The presiding judicial officer may provide for such discovery and investigation as is necessary. In general, the presiding Judicial officer shall determine the time, place and manner of conducting the hearing. However, the following specific provisions shall apply to hearings conducted under this Section:
 - a. the hearing shall be commenced no later than sixty (60) days after the filing of the complaint;
 - b. The complainant and the head of the office against which the complaint has been filed must receive written notice of the hearing; such notice shall also be provided to the individual alleged to have violated rights protected by this Plan whenever such individual is a judicial officer or when the presiding judicial officer otherwise determines such notice to be appropriate;
 - c. at the hearing, the complainant will have the rights to representation by a court employee, to present evidence on his/her behalf, and to cross-examine adverse witnesses; the employing office will have the rights to present evidence on its behalf and to cross-examine adverse witnesses;
 - d. A verbatim record of the hearing must be kept and shall be the sole official record of the proceeding;
 - e. In reaching his/her decision, the Chief Judge of the court or designated judicial officer shall be guided by judicial and administrative decisions under the laws related to Chapters II through VII of this Plan and by decisions of the judicial council of the appropriate circuit under Section 8 of this Chapter;
 - f. Remedies may be provided in accordance with Section 9 of this Chapter where the hearing officer finds that the complainant has established by a preponderance of the evidence that a substantive right protected by this Plan has been violated;

- g. the final decision of the Chief Judge or designated judicial officer must be issued in writing not later than thirty (30) days after the conclusion of the hearing; and
- h. all parties, or any aggrieved individual, shall have the right to written notice of any action taken as a result of a hearing.

§ 8 **Review of Decision** - A party or individual aggrieved by a final decision of the Chief Judge or designated judicial officer, or by a summary dismissal of the complaint, may petition the Third Circuit Judicial Council for review of that decision under procedures established by the judicial council of the circuit. Any review will be conducted by a judicial officer(s), based on the record created by the hearing officer, and shall be affirmed if supported by substantial evidence. Decisions of the EDR/EEO Appeal Committee on behalf of the Third Circuit Judicial Council are final and conclusive and shall not be judicially reviewable on appeal or otherwise.

A. **Judicial Council Review Procedures.**

- (1) **Timing for petition to review.** A petition for review must be received by the hearing officer who issued the decision within fifteen (15) days of the date of the letter from the EDR Coordinator to the complainant transmitting the decision as issued under §7(B)(2).
- (2) **Form and content of petition to review.** The petition should be addressed to the hearing officer with a copy to the EDR Coordinator, beginning "I hereby petition the Judicial Council for review of the hearing officer's decision on my complaint filed under the court's Employment Dispute Resolution Plan." The petition should set forth a brief statement of the reasons why the petitioner believes that the hearing officer should not have dismissed the complaint or concluded the proceeding. It should not repeat the complaint; the complaint will be available to members of the Circuit Council committee considering the petition. The petition must be signed.
- (3) **EDR/EEO Appeal Committee.** The EDR/EEO Appeal Committee of the Third Circuit Judicial Council, on behalf of the Third Circuit Judicial Council, will review decisions of the hearing officer, when properly petitioned, pursuant to the provisions of §8(A) by a party or individual aggrieved by a final decision of the hearing officer or by a summary dismissal of the complaint. Any member of this Committee may be disqualified as provided for in §4, in which case the Chief Judge of the Court of Appeals will designate a replacement.
- (4) **Distribution of Material for Review.** The hearing officer will promptly send to each member of the EDR Appeal Committee of the Judicial Council, except for any member disqualified under §4, copies of:

- (a) the complaint and any statement of facts;
 - (b) any response filed;
 - (c) any record of information received by the hearing officer in connection with the hearing officer's consideration of the complaint;
 - (d) the hearing officer's order disposing of the complaint;
 - (e) any memorandum in support of the hearing officer's decision;
 - (f) the petition for review;
 - (g) the record of the proceeding made pursuant to §7(C)(2)(d); and
 - (h) any other documents that appear to be relevant and material to the petition.
- (5) **Timing for decisions.** Within thirty (30) days of receipt by the hearing officer of a proper petition for review of a decision or a summary dismissal of a complaint, the EDR Appeal Committee will review the decision or the basis for the summary dismissal and issue a written decision.
- (6) **Finality.** Decisions of the EDR Appeal Committee on behalf of the Third Circuit Judicial Council are final and conclusive and shall not be judicially reviewable on appeal or otherwise.
- (7) **Procedures when petition for review is in improper form.** Upon receipt of a petition filed within the time allowed but not in proper form under these rules (including a document that is ambiguous about whether a petition for review is intended), the Chief Judge will acknowledge receipt of the petition, call the petitioner's attention to the deficiencies, and give the petitioner the opportunity to correct the deficiencies within ten (10) days. If the deficiencies are not corrected within the time allowed, the petition will be returned unfiled and the proceedings will be deemed to be concluded.

§ 9 *Remedies*

- A. Where judicial officers acting pursuant to Section 7 or 8 of this Plan find that a substantive right protected by this Plan has been violated, they may order a necessary and appropriate remedy. A remedy may be directed at correcting a past violation, prospectively insuring compliance with the rights protected by this Plan, or both. A remedy shall be tailored as closely as possible to the specific violation involved.
- B. Remedies which may be provided to successful complainants under this Plan include, but are not limited to:
- 1. placement of an employee in a position previously denied;
 - 2. placement in a comparable alternative position;
 - 3. reinstatement to a position from which previously removed;

4. prospective promotion to a position;
5. priority consideration for a future promotion or position;
6. back pay and associated benefits, including attorney's fees, where an unjustified or unwarranted official personnel action results in a withdrawal of or reduction in pay, see Back Pay Act, 5 U.S.C. § 5596;
7. records modification and/or expungement;
8. "equitable" relief, such as temporary stays of adverse actions;
9. granting of family and medical leave; and
10. accommodation of disabilities through the purchase of specialized equipment or the restructuring of duties and work hours.

C. Remedies which are not legally available include:

1. payment of attorney's fees (except as authorized under the Back Pay Act);
2. compensatory damages; and
3. punitive damages.

§10 *Record of Final Decisions* - Final decisions under this Plan shall be captioned as follows:

In the Matter of a Complaint Arising Under
The Employment Dispute Resolution Plan
of the United States District Court,
Middle District of Pennsylvania

v.

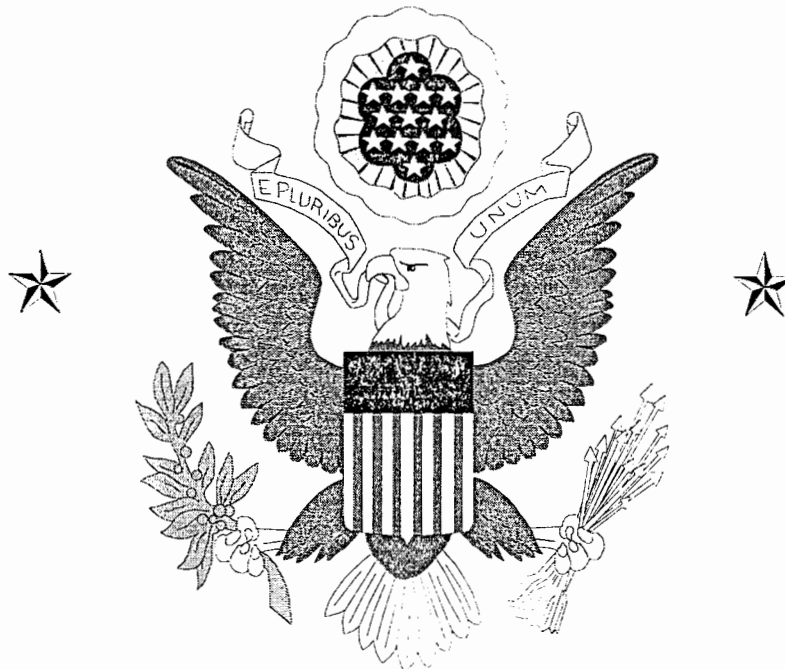
Case No. (Year-Number)

Name of Employing Office

Final decisions made under this Plan will be available to the public free of charge upon written request addressed to the EDR Coordinator. The EDR Coordinator will remove the individual names that appeared in such a decision before the decision is released to the public.

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT of PENNSYLVANIA

HEALTH AND SAFETY PROGRAM



*While this Manual strives to be comprehensive, it is only a relative summary
of the health and safety procedures to be followed while working
in the various divisional offices of the
United States District Court for the Middle District of Pennsylvania.
Further health and safety information is available from the
General Services Administration (GSA).*

TABLE OF CONTENTS

PART I. STATEMENT OF POLICY

PART II. RESPONSIBILITIES

- A. Management
- B. Supervisors
- C. Employees
- D. Safety Coordinator

PART III. PROGRAM PARTICIPATION

- A. Safety Committee
 - 1. Purpose
 - 2. Committee Structure
- B. Committee Meetings

PART IV. PROGRAM ELEMENTS

- A. Hazard Assessment and Control
- B. Incident Reporting and Investigation
 - 1. First Aid, Near-Miss and Minor Injuries
 - 2. Serious Injuries and Accidents
- C. Information and Training
 - 1. Safety Orientation and Training
 - 2. Training and Scheduling Responsibility
 - 3. Safety and Health Information Communication
- D. Enforcement of Safety Procedures
- E. Record keeping
 - 1. Workers' Compensation Forms
 - 2. Employee Exposure and Medical Records
 - 3. Safety Training Records
- F. Program Evaluation

PART V. SAFETY PROCEDURES

APPENDIX

PART I. STATEMENT OF POLICY

TO OUR EMPLOYEES:

The United States District Court for the Middle District of Pennsylvania (District) aspires to provide a safe, secure and healthy workplace, free from known and recognized hazards that may cause or are likely to cause injury or physical harm. This Health and Safety Program (Program) is implemented in cooperation with General Services Administration (GSA) as a means of achieving these goals.

The Program emphasizes injury and illness prevention on the part of both management and employees. It stresses cooperation in all health and safety matters, not only between management and employee, but also between each employee and his or her co-workers. Through this cooperative effort, a Program that serves the best interest of all will be preserved.

The intent of the Program is to reduce injuries and illnesses and to promote a safe and healthy work environment not only for our employees but also for those we serve.

PART II. RESPONSIBILITIES

Maximum effectiveness of the Program will be achieved through a cooperative effort of our managers, supervisors and employees in conjunction with the Safety Coordinator, as follows:

A. MANAGEMENT

The success of the Program is dependent upon the commitment and support of the management of the District. The management is responsible for:

1. Providing leadership for the health and safety activities.
2. Evaluating Program effectiveness and implementing improvements, as needed.
3. Providing necessary resources to support program objectives.

B. SUPERVISORS

Supervisors are responsible for developing the proper attitudes toward health and safety in those they supervise, and for ensuring that operations are performed with the utmost regard for the health and safety of personnel involved. Responsibilities of the supervisor include:

1. Providing safety training, including orientation and job-specific training, for new employees.
2. Conducting periodic hazard surveillance inspections and implementing corrective action, when appropriate.
3. Investigating minor incidents, participate in serious accident investigations, and complete accident and occupational injury reports.
4. Participating in Safety Committee Meetings, as designated.

C. EMPLOYEES

Employees are responsible for cooperation with all aspects of the Program, including compliance with the District's safety rules and regulations. Responsibilities of the employees include:

1. Following all job-specific safety rules.
2. Promptly reporting all accidents and near-miss injuries and accidents to their supervisor.
3. Reporting hazardous conditions to their supervisor and offering possible suggestions to remedy potential hazards.

D. SAFETY COORDINATOR

The Safety Coordinator manages all aspects of the Program in collaboration with GSA and serves as a resource and consultant on job safety and health matters. The Safety Coordinator shall:

1. Serve as a liaison with General Services Administration (GSA).
2. Develop and implement safety training programs and schedules.
3. Review copies of accident/near-miss investigation reports from supervisors.
4. Maintain centralized safety statistics and analyze accident trends.
5. Prepare an annual report on safety performance for management.
6. Serve as member and chair of the Safety Committee.
7. Perform safety audits and recommend corrective measures.

The Safety Coordinator for the District will be appointed by the court.

PART III. PROGRAM PARTICIPATION

Active participation by all levels of management and staff is essential to the success of the Program. Employee input is encouraged and is vital to the mission of the Program. Employee input is achieved through (1) participation on the Safety Committee and (2) communication of incidents and hazards within the workplace.

A. SAFETY COMMITTEE

1. Purpose

The Safety Committee is created as a mechanism for managers, supervisors and employees to work together in promoting workplace health and safety. Among other things, the Committee shall:

- a. Act as an advisory board to the Safety Coordinator.
- b. Establish procedures for conducting and documenting findings of workplace inspections.
- c. Review and discuss accident reports and develop plans to prevent their recurrence.
- d. Monitor workers' compensation data to determine trends.
- e. Review and evaluate new projects and changes in work tasks, operations, and facilities so that appropriate accident-prevention measures may be implemented before the changes occur.

2. Committee Structure

The Safety Committee will be comprised of at least four (4) employees, at least four (4) supervisors and a representative of GSA who will serve one (1) year terms that are staggered in order that half the committee is re-newed each six (6) month period.

- a. Employee representatives are chosen through a combination of volunteering and departmental nominations. There shall be at least one (1) employee representative from the district offices in Scranton, Harrisburg, Williamsport and Wilkes-Barre.
- b. Supervisors who serve on the committee are appointed by the Unit Executive or his or her designee. There shall be at least one (1) employee representative from the district offices in Scranton, Harrisburg, Williamsport and Wilkes-Barre.
- c. The Safety Coordinator is a permanent member of the committee and chairs the committee.

B. MEETINGS

The Safety Committee will meet quarterly. Minutes of each meeting will be maintained, discussed at subsequent meetings, and retained on file by the Safety Coordinator for future reference. When appropriate, meetings may be by telephone conference.

PART IV. PROGRAM ELEMENTS

The Program is designed to prevent potential injuries, work-connected illnesses, and property damage. The core elements of basic accident prevention include: hazard assessment and control, incident reporting and investigating, information and training, enforcement of safety procedures and recordkeeping.

A. HAZARD ASSESSMENT AND CONTROL

All hazards identified within the workplace, through hazard anticipation or recognition, will be evaluated and corrected in a timely manner.

1. Schedule and Responsibility

Periodic inspections to identify and evaluate workplace hazards will be performed, as follows:

- a. Safety Coordinator - Quarterly, including each divisional office.
- b. Supervisors - Daily observance.

In addition to scheduled inspections, inspections will be carried out when the following situations occur:

- a. When new, previously unidentified hazards are recognized.
- b. After occupational injuries and illnesses occur.
- c. When new procedures or equipment are introduced into the workplace, which may present potential hazards.

All workplace inspections will be documented and maintained by the Safety Coordinator.

2. Resolution of Identified Hazards

The supervisor is responsible for correcting known hazards, in collaboration with the Safety Coordinator and General Services Administration, if applicable. For items that may result in a capital expenditure, the supervisor is to present this information to the Safety Coordinator. The Safety Coordinator is to review the proposed corrective action and recommend or deny the request to process a capital expenditure request, based on a thorough review of the hazardous condition.

B. INCIDENT REPORTING AND INVESTIGATION

Any incident, accident or injury must be reported and investigated promptly and thoroughly.

1. First Aid, Near-Miss, and Minor Injuries and Illnesses

The responsibility for investigating these incidents rests with the supervisor. Minor injuries and illnesses are those that do not require hospitalization or more than three (3) days away from work. Employees are required to report all first aid, near-miss, and injuries and illnesses to their immediate supervisor. This information is to be reported verbally and on the Employee Report of Accident/Near-Miss Incident Form. A CA-1 Form, Federal Employee's Notice of Traumatic Injury, is to be completed when an employee sustains a traumatic injury in the performance of duty. This form is to be submitted to the Personnel Office of the appropriate court unit.

The supervisor is to conduct an investigation of the incident and prepare a Supervisor Accident Investigation Report. The report is to be forwarded upon completion to the Safety Coordinator.

2. Serious Injuries and Accidents

These incidents are defined as involving hospitalization, the loss of more than three (3) days from work, or worse.

The immediate supervisor is to promptly take the following steps in such cases:

- arrange for medical treatment of the injured employee(s);
- secure the area of the accident until an investigation can be completed; and
- contact the Safety Coordinator to report the incident and to initiate a joint investigation.

The supervisor, in conjunction with the Safety Coordinator, is to conduct an accident investigation. The investigation may include: (1) interview of the injured employee, if possible. (2) interview of witness(es), and (3) photographs of the scene. A report is to be completed by the supervisor and filed within one (1) week of the incident (including cause, corrective action to be taken, and established time frame for corrective measures to be implemented) with the Safety Coordinator. The report is to also include interim protective measures to be taken. The completed report is to be submitted to the appropriate Unit Executive.

C. INFORMATION AND TRAINING

Information and training regarding health and safety topics is to be made available to all employees and management through a variety of outlets, including employee orientation, annual inservices and publications.

1. Safety Orientation and Training

All employees and supervisors will receive training and instruction on general and job-specific health and safety practices. Training and instruction will be provided as follows:

- When the training program is first initiated.
- When new employees are hired.
- When existing employees are reassigned to jobs for which they have not received prior safety training.
- When new processes, equipment or facilities are introduced and represent a new hazard.

2. Training and Scheduling Responsibility

Supervisors:

Supervisors are responsible for training employees who report to them on the specific safety procedures of each job.

- a) New employees - Supervisors are to provide initial training when a new employee is hired.
- (b) Existing employees - Supervisors are to provide reinforcement training to their employees on safety procedures, as determined on a departmental basis.

Supervisors are to maintain inservice training records, documenting all training sessions held.

Safety Coordinator:

The Safety Coordinator, in coordination with the General Services Administration, is to conduct periodic training on subjects that affect the District, including the Emergency Evacuation Procedures.

3. Safety and Health Information Communication

To ensure that pertinent health and safety information is disseminated throughout the District, the Safety Coordinator is to post communication materials throughout the building and grounds of each divisional office.

D. ENFORCEMENT OF SAFETY PROCEDURES

It is the responsibility of each supervisor to make sure that all safety procedures are followed by employees in their department.

E. RECORD KEEPING

The Safety Coordinator will record and maintain all necessary forms and documentation about the District's Program.

F. PROGRAM EVALUATION

The Safety Coordinator is to review the effectiveness of the Health and Safety Program on an ongoing basis, including quarterly and annually. The quarterly report is to include a summary of accidents and injuries, identified hazards and corrective measures taken (or proposed); this information is to be reported to the Safety Committee on a quarterly basis. The annual report is to include a summation of all accident and injury information for the calendar year. It is also to include an overall review of the Program, including all hazard surveillance inspections conducted, hazards identified, corrective measures implemented and training inservices performed. This report is to be submitted to the Safety Committee and the Chief Judge of the District Court.

PART V. SAFETY PROCEDURES

The District's Program will serve as a supplement to the GSA Emergency Evacuation Procedures. The Emergency Evacuation Procedures are designed to minimize potential injury or physical damage in the event of a catastrophic event.

The Emergency Evacuation Procedures outline the procedures to be followed in situations such as fire, explosion, or bomb threat and provide direction to both management and employees on evacuation procedures, communication vehicles and rescue mechanisms. The Emergency Evacuation Procedures are to take precedence during an emergency and employees of the divisional offices of the District are to comply with all of its directives.

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA

WORKPLACE INSPECTION

NAME: _____ DATE: _____

LOCATION INSPECTED: _____

DATE OF INSPECTION: _____ TIME OF INSPECTION: _____

NAME OF INSPECTORS: _____

HAZARDS OBSERVED: _____

REPEAT ITEM: () YES () NO / PRIORITY*: () A () B () C

RECOMMENDED ACTION: _____

PERSON RESPONSIBLE FOR FOLLOW-UP: _____

FOLLOW-UP ACTION TAKEN: _____

DATE OF FOLLOW-UP ACTION: _____

*** PRIORITY:**

- A - Major, Immediate Action.
- B - Serious, Requires Short-Term Action.
- C - Minor, Requires Long-Term Action or Routine Maintenance.

**UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA**

EMPLOYEE REPORT OF ACCIDENT/NEAR-MISS INCIDENT

DATE: _____ **TIME:** _____

LOCATION OF ACCIDENT: _____

DESCRIPTION OF WHAT HAPPENED: _____

DESCRIPTION OF INJURIES (IF ANY): _____

--- OPTIONAL ---

EMPLOYEE(S) INVOLVED: _____

SUGGESTIONS FOR PREVENTATIVE ACTION: _____

SUBMITTED BY: _____ **DATE:** _____

Please forward this form to your supervisor.

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA

SUPERVISOR
ACCIDENT INVESTIGATION REPORT

DATE OF INCIDENT _____ TIME: _____

NAME OF INJURED _____

LOCATION OF ACCIDENT: _____

DESCRIPTION OF WHAT HAPPENED: _____

NATURE OF INJURY/ILLNESS: _____

PART OF BODY INJURED: _____

ACCIDENT TYPE: _____ Hazardous Condition _____ Unsafe Act

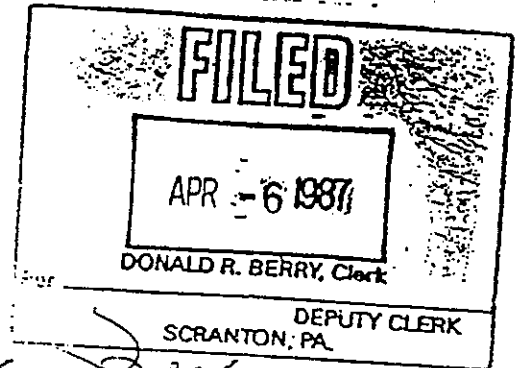
OTHER EMPLOYEES INVOLVED, If Any: _____

PREVENTIVE ACTION RECOMMENDED: _____

CORRECTIVE ACTIONS TAKEN: _____

SUPERVISOR: _____ DATE: _____

AFFIRMATIVE ACTION PLAN
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA



HONORABLE

[Signature]
Chief Judge

Date: *April 7, 1987*
Donald R. Berry
Deputy Clerk

EQUAL EMPLOYMENT OPPORTUNITY COORDINATOR

Donald R. Berry
DONALD R. BERRY

DATE: *April 6, 1987*

Approved: *John D. Gibbons*
John D. Gibbons
Chief Judge
April 15, 1987

1. Preamble

The Judicial Conference of the United States has directed that each court adopt an Affirmative Action Plan in conformance with the national policy of providing equal employment opportunity to all persons regardless of their race, sex, color, national origin, religion, age (at least 40 years of age at the time of the alleged discrimination), or handicap. This court will promote equal employment opportunity through a program encompassing all facets of personnel management including recruitment, hiring, promotion, and advancement. The program, which will be periodically evaluated, is not intended to modify or reduce the qualification standards for employment in the Federal courts as such standards have been approved by the Judicial Conference of the United States.

2. Scope of Coverage

This Equal Employment Opportunity Program applies to all court personnel including judges' staffs and court officers and their staffs.

3. Organization

A. Implementation.

This plan shall be implemented in all work units of the court. The head of each unit is responsible for implementation in that unit and for monitoring implementation

where responsibility is shared with sub-unit supervisors.

On behalf of the court, the Chief Judge will submit modifications in the plan for judicial council approval.

B. Work Units.

The work units for purposes of this plan are:

(1) The staff of each Judge, including the court reporter, with the Judge as head, constitutes a separate work unit.

(2) The staff of each Magistrate, with the Magistrate as head, constitutes a separate work unit.

(3) The Clerk of Court and all personnel of the Clerk's Office at all locations constitute a work unit. The Clerk is head of the unit and will monitor any delegated responsibilities to the Chief Deputy Clerk, sub-unit supervisors, and deputies-in-charge.

(4) The Chief Probation Officer and all personnel of the Probation Office at all locations constitute a work unit. The Chief Probation Officer is head of the unit and will monitor any delegated responsibilities to sub-unit supervisors.

C. Heads of Work Units.

The head of each work unit shall ensure that all vacancies are publicly announced to attract candidates who fairly represent the persons in the labor market where the required skills will be found. All hiring decisions shall be based solely on job related factors. The unit head shall also see that the skills, abilities and potential of all employees are identified and developed to the fullest extent possible within the area of work available in the unit, and that all employees are given equal opportunities to prepare and qualify for promotions through such cross-training, special assignments, and outside job-related training, if any, as may be available.

D. Judges, Unit Heads and Supervisors.

Judges, Unit Heads and Supervisors shall apply equal employment opportunity practices and policies in their units to the extent that it is possible so to do. This includes giving each employee, within the work availability of the unit and the court, the opportunity to demonstrate his or her skills and, where those abilities are determined to exceed general performance standards, to be recommended for personnel actions and awards recognizing such achievements if such be available. It also requires providing training programs which enable employees to develop their job skills fully if such programs are available and appropriate.

It is recognized that training programs are not normally available or appropriate for court reporters, senior law clerks and experienced judges' secretaries.

E. Equal Employment Opportunity Coordinator.

The court will designate one person to be the Equal Employment Opportunity Coordinator. This person will be responsible for collecting, analyzing, and consolidating the statistical data and statements prepared by each court unit. The Coordinator will then prepare an annual report for the Chief Judge and the Administrative Office describing the court's achievements in providing equal employment opportunities, identifying those areas in which improvements are needed, and explaining those factors inhibiting achievement of equal employment opportunity objectives. Based upon this evaluation and report, the Coordinator will recommend modifications in the plan to the court. The Coordinator will also seek informally to resolve discrimination complaints and will provide EEO information to the public.

4. Personnel Practices

A. Recruitment.

Each work unit will seek qualified applicants who fairly reflect all such persons in the relevant labor market, where the required skills will be found. Each

unit will also utilize reasonably available means to publicize vacancies. Each judge shall notify a reasonable number of law schools of a forthcoming vacancy in a law clerkship and shall accept applications from any source. The labor market for judges' secretaries shall be the pool of trained legal or other highly experienced secretaries, not the general stenographic pool, of the area in which the judge is stationed.

B. Hiring.

Each work unit will make its hiring decisions strictly upon an evaluation of a person's qualifications and ability to perform the duties of the position satisfactorily.

C. Promotions.

Each work unit will promote employees according to their experience, training and demonstrated ability to perform duties of a higher level to the extent that opportunities for such promotions to a higher level exist within the work unit.

D. Advancement.

Each work unit will seek to improve the skills and abilities of its employees through such cross-training, special assignments and outside training, if any, as may be available.

E. Discrimination Complaints.

The court adopts the procedures for resolving discrimination complaints set forth in Appendix 1.

5. Evaluations

Each work unit will prepare a brief report for the EEO Coordinator relating to vacancies filled during the period covered by the report describing its efforts to provide equal employment opportunities in -

a) Recruitment.

Each report will describe briefly the efforts made to bring a fair cross-section of the labor market where the required skills will be found into its applicant pool, including a listing of the employment sources utilized and an explanation of the methods used to publicize vacancies.

b) Hiring.

The report will identify where the recruiting efforts resulted in the hiring of a cross-section of the qualified pool available and will, if known, explain those instances where job offers were rejected.

c) Promotions.

Each work unit will briefly describe any promotional opportunities which occurred and will provide an analysis of the distribution of promotions, including a description of those persons who were promoted to any supervisory positions where vacancies existed.

d) Advancement.

Each work unit will describe what efforts were made to improve the skills and abilities of employees through cross-training, special assignments and outside training, if any, as may have been available. This report will compare the race, sex, color, national origin, religion, age, and any handicap of the personnel involved.

In addition, this evaluation should include information on factors inhibiting achievement of EEO objectives such as no vacancies, minimal numbers of qualified applicants in the relevant labor market, disparity in relative qualifications of applicants, and all persons in the unit having received all relevant training. This report will also include a breakdown according to the race, sex, national origin and handicap of the court's personnel involved on forms to be provided by the Administrative Office of the United States Courts. The report will cover personnel actions occurring in the year ending September 30 and will be submitted to the EEO Coordinator by November 1 of each year.

6. Objectives

Each work unit will develop annually its own objectives which reflect any improvements which the head of the unit deems to be needed in recruitment, hiring, promotions, and advancement, and will prepare a specific plan for any such improvements for the EEO Coordinator explaining how those objectives will be achieved.

7. Annual Report

The EEO Coordinator will prepare for the court's approval an annual report for the year ending September 30 consolidating the data and statements received from each work unit. The report will include tables to be provided by the Administrative Office of the United States Courts, consolidating the information provided by each unit and will also describe instances where significant achievements were made in providing equal employment opportunities, will identify areas where improvements are needed, and will explain factors inhibiting achievement of equal employment opportunity objectives. Upon approval of the court, this report will be submitted by the Chief Judge to the Administrative Office of the United States Courts by November 30 of each year.

APPENDIX 1

DISCRIMINATION COMPLAINT PROCEDURES

1. Scope of Coverage

All applicants for court positions and all court personnel may seek timely redress of discrimination complaints through these procedures. These procedures, however, are not intended to be a replacement for the working relationship which must exist between supervisors and employees nor are they intended to interfere in the administrative processes of the court.

2. Definition

A discrimination complaint is any allegation that a person has been denied employment, promotion, or advancement, or has been affected in any other condition of employment, because of his or her race, sex, color, national origin, religion, age (at least 40 years of age at the time of the alleged discrimination), or handicap. It also includes allegations of restraint, interference, coercion, discrimination, or reprisal because a person has raised an allegation of discrimination or has served as a representative, a witness, or an EEO Coordinator in connection with a complaint. It does not include complaints relating to other dissatisfactions in a person's conditions of employment which are commonly known as grievances.

3. Rights of Personnel

A. Retaliation.

Every complainant has the right to be free from retaliation, coercion or interference because of filing a timely complaint.

B. Representation.

Every complainant and every person against whom a complaint has been filed has the right to be represented by a person of his or her choice if such person is available and consents to be a representative. Any representative who is a court employee may accept such responsibilities if it will not interfere with his or her court duties or constitute a conflict of interest. A representative who is a court employee shall be free from restraint, interference, coercion, discrimination, and reprisal, and shall have a reasonable amount of official time to accompany, represent, and advise the complainant or the person complained against at any stage in the complaint procedures.

C. Notice.

Every person against whom a complaint has been timely filed has the right to have reasonable notice of the charges filed against him or her. All interested persons have the right to reasonable notice of any hearing relating to a complaint.

D. Preparation.

All court employees involved in complaint procedures may use a reasonable amount of official time to prepare their cases so long as it does not interfere with the performance of their court duties.

4. Procedures

A. Initiation of a Complaint.

Any applicant or any court employee, or his or her representative, may file a timely discrimination complaint with the EEO Coordinator. If the EEO Coordinator is named in the complaint or otherwise directly involved in the complaint, he or she shall promptly transmit the complaint to the Chief Judge or a designee who will appoint another person to perform the functions of the EEO Coordinator with respect to the complaint in question. The complaint shall be in writing and shall allege all relevant facts constituting the basis of such complaint, and must specify the relief requested. A complaint form is available upon request.

B. Informal Procedures.

Upon receipt of a complaint, the EEO Coordinator:

1. May reject a complaint that was not timely filed and shall reject those allegations in the complaint that are not within the purview of Section II of these Discrimination Complaint Procedures, or that set forth identical matters contained in a pending or previous complaint filed by the same complainant;
2. Will make any investigation into the matter which he or she deems necessary;
3. Will consult with the involved parties and seek an informal resolution of the problem; and
4. Will prepare a report to the parties identifying the issues, describing his or her findings, explaining what resolution, if any, was achieved, and defining what corrective actions, if any, were or will be undertaken; and
5. May cancel a complaint because of the complainant's failure to prosecute the complaint.

C. Formal Procedures.

1. Filing.

If either the complainant or the person against whom the complaint has been filed objects to the rejection or cancellation of the complaint or any portion thereof, or to the findings and recommendations of the EEO Coordinator, such person may file a written request with the Chief Judge or designee to have the matter reviewed.

2. Review.

Upon receipt of a request to review the findings and recommendations of the EEO Coordinator, the Chief Judge or designee will:

- a. Conduct any additional investigation which he or she deems necessary;
- b. Determine whether to interview the parties or other persons;
- c. Determine whether to hold a formal hearing on the matter; and
- d. Issue a final decision on the rejection, cancellation, or merits of the complaint if it is found that no interviews or hearings are necessary.

3. Hearing.

If the Chief Judge or a designee finds that a hearing is necessary, all interested parties shall be given reasonable notice of the hearing. At the hearing, each party will have the right to representation, to present evidence on his or her behalf, and to cross-examine adverse witnesses. The Chief Judge or a designee will issue a final decision on the merits based upon his or her findings.

D. Deadlines.

Initial complaints and the review of complaints are subject to the following deadlines:

1. All complaints shall be filed within 15 calendar days after a particular act or occurrence or within 15 calendar days of becoming aware of the act or occurrence, and no late filing will be accepted unless good cause is presented to the EEO Coordinator;
2. The EEO Coordinator will prepare a report within 20 calendar days after consultation with the involved parties;
3. All requests for review of the EEO Coordinator's findings must be submitted within 5 calendar days after receipt of the report;
4. The Chief Judge or a designee will issue a final decision within 45 calendar days after receipt of the request if no hearing is held;
5. The Chief Judge or a designee will issue a final decision within 30 calendar days after the close of a hearing; and
6. The Chief Judge may extend any of the above-mentioned deadlines for good cause.

5. Records

All papers, files, and reports shall be filed with the EEO Coordinator at the conclusion of any informal or formal proceeding. No papers, files, or reports relating to a complaint will be filed in any employee's personnel folder, except as necessary to implement disciplinary action against any person who engaged in discriminatory conduct.

6. Annual Report

The EEO Coordinator will prepare an annual report, for the year ending September 30, indicating:

1. The number of complaints initiated;
2. The types of complaints initiated .
according to race, sex, color, national
origin, religion, age or handicap;
3. The number of complaints resolved
informally;
4. The number of complaints resolved formally
without a hearing; and
5. The number of complaints resolved formally
with a hearing.

(The foregoing information will not identify the names of the parties involved).;

The report shall be filed with the Clerk of the Court and will be made available to the public upon request.

7. Notice.


Copies of these procedures shall be given to all employees and, upon request, to members of the public.

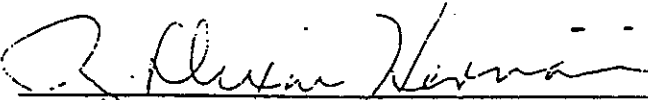
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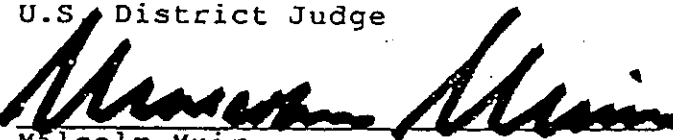
AFFIRMATIVE ACTION PLAN

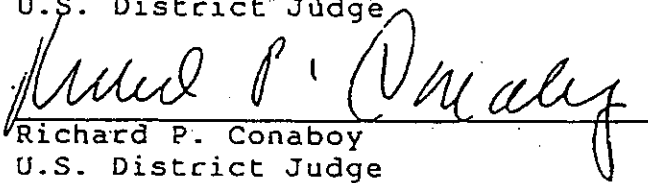
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DISCRIMINATION COMPLAINT PROCEDURES

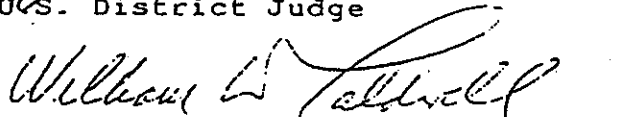

William J. Nealon
Chief Judge

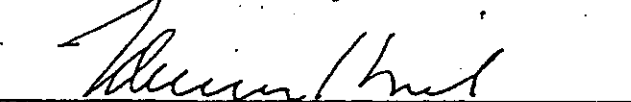

R. Dixon Herman
U.S. District Judge


Malcolm Muir
U.S. District Judge


Richard P. Conaboy
U.S. District Judge


Sylvia H. Rambo
U.S. District Judge


William W. Caldwell
U.S. District Judge


Edwin M. Kosik
U.S. District Judge

U.S. District Court - Middle District of PA
STANDING ORDER INDEX

| Name | Description | Date |
|-------|---|------------------|
| 97- 1 | Forfeiture of Collateral Schedule | 01/01/97 9999 |
| 97- 2 | Court Library Fund (Amended) | 06/02/97 1412 |
| 98- 1 | Establishment of Pro Bono Fund | 06/17/98 9999 |
| 98- 2 | Delegation of Procurement Authority to Chief Probation & Pretrial Services Officer | 09/11/98 1412 |
| 98- 3 | Standard Conditions of Supervision for Probationers & Supervised Releases | 07/02/98 9999 |
| 98- 4 | Employee Dispute Resolution Plan "EDR PLAN" | 01/01/99 1412 |