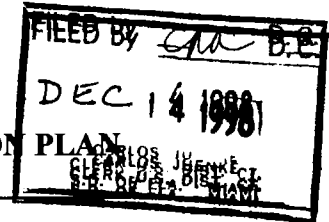


United States District Court  
Southern District of Florida

Administrative Order No. 98-80

In Re:

IMPLEMENTATION OF EMPLOYMENT DISPUTE RESOLUTION PLAN



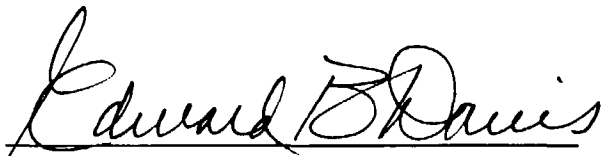
In accordance with the guidance of the Judicial Conference of the United States Courts, and the approval of this Court and the Eleventh Circuit Judicial Council, it is

**ORDERED** that the policy stated in the attached document titled *Southern District of Florida, Employment Dispute Resolution Plan, United States District Court, United States Bankruptcy Court*, is hereby adopted effective January 1, 1999. It is further

**ORDERED** that this policy be distributed to all district judges, magistrate judges, judicial staff, court unit executives, and employees of the United States District Court, and made available to the public or job applicants upon request. It is further

**ORDERED** that in accordance with Chapter VII, Section 3 of the Employment Dispute Resolution Plan, Kathy Archer, the District Court's Human Resources Manager is hereby designated to serve as the District Court's EDR Coordinator and Reuben Cahn, Chief Assistant Federal Public Defender is designated to serve as the District Court's Alternate EDR Coordinator.

**DONE AND ORDERED** at Miami, Florida this 14<sup>th</sup> day of December 1998.

  
EDWARD B. DAVIS  
CHIEF UNITED STATES DISTRICT JUDGE

Attachment

- c: Honorable Joseph W. Hatchett, Chief Judge, Eleventh Circuit Court of Appeals  
All Southern District Judges and Magistrate Judges  
Norman E. Zoller, Circuit Executive, Eleventh Circuit  
Karen Eddy, Clerk, Bankruptcy Court  
Carlos Juenke, Clerk, District Court  
Frank Schwartz, Chief Probation Officer  
Ed Segno, Acting Chief Pretrial Services Officer  
Kathleen Williams, Federal Public Defender  
Kathy Archer, Manager Human Resources  
Reuben Cahn, Chief Assistant Federal Public Defender  
Library

**SOUTHERN DISTRICT OF FLORIDA  
EMPLOYMENT DISPUTE RESOLUTION PLAN  
UNITED STATES DISTRICT COURT  
UNITED STATES BANKRUPTCY COURT**

**CHAPTER I. GENERAL PROVISIONS**

**§1 Preamble**

This is the Employment Dispute Resolution Plan (“EDR Plan”) of the Southern District of Florida. It is based on the Federal Judicial Model Employment Dispute Resolution Plan adopted by the Judicial Conference of the United States and on the Employment Dispute Resolution Plan of the Eleventh Circuit and provides rights, protections and procedures for employees of this court comparable to those provided to legislative branch employees under the Congressional Accountability Act of 1995.

On its effective date, this Plan supersedes the Equal Employment Opportunity Plan (“EEO” Plan) previously adopted by this court. The duties of EEO Coordinators under those superseded EEO plans will be assumed by the EDR Coordinator (except as affected by changes in the dispute resolution procedures set forth in Chapter VIII of this Plan). Any discrimination complaint pending on the effective date of the EDR Plan shall continue to be processed and considered under the procedures established under the EEO Plan in effect at the time it was filed. Any complaint filed after the effective date of this Plan shall be processed under the provisions of this Plan regardless of whether the actions giving rise to such a complaint may have occurred before the effective date of this Plan.

Although intended to be the exclusive remedy for employees with respect to rights and protections afforded, this Plan does not apply to or affect complaints concerning a district judge, magistrate judge or bankruptcy judge of the Southern District of Florida alleging that said judicial officer engaged in conduct prejudicial to the efficient and expeditious administration of the business of the courts or is unable to discharge all of the duties of the office by reason of mental or physical disability, which are to be considered exclusively pursuant to 28 U.S.C. § 372(c), or complaints (commonly known as grievances) relating to dissatisfactions with terms or conditions of employment which either do not involve rights and protections afforded under this Plan or in circumstances where an employee elects to proceed under a less formal process as to rights set forth for this Plan. This court has adopted a written procedure for filing and processing grievances and adverse action responses which is available in the court’s Human Resources manual.

## **§2 Scope of coverage**

This Plan applies to all United States district judges, magistrate judges and bankruptcy judges, including judges' chambers staffs and court unit heads and their staffs.

This Plan does not apply to persons who submit applications for positions as law clerks to judges unless such persons are interviewed, by telephone or in person.

This Plan does not apply to the award of contracts or subcontracts, or the employment decisions made by such contractors or subcontractors.

## **§3 Definitions**

For purposes of this Plan:

- A. The term "employee" includes persons who work within the offices of United States district judges, United States magistrate judges, United States bankruptcy judges, including judges' chambers staff, court unit heads and their staffs. The term also includes persons formerly employed in such positions or who have applied for such positions (other than as a judicial officer) within the preceding 30 days. The term does not include a person employed, appointed, or applying for employment, appointment, or reappointment:
- as a student intern or extern to provide services to the court on a voluntary basis;
  - as a bankruptcy judge with respect to such person's appointment or reappointment;
  - as a magistrate judge with respect to such person's appointment or reappointment;
  - as a private attorney representing or seeking to represent indigent defendants under the Criminal Justice Act;
  - as a private attorney administering Chapters 7 and 11 Bankruptcy estates;
  - as to a position in connections with pending or potential litigation (such as a Commissioner, a counselor or mediator, a Special Master, a monitor, a court-appointed expert, or counsel appointed to represent litigants or potential litigants); or

- for a position other than as an employee of an “employing office” as that term is defined below.
- B. The term “employing office” for the purposes of coverage under this EDR Plan includes all offices of the court, including the offices of the district court clerk, bankruptcy court clerk, pretrial services, probation, and any other offices that might be created in the future. For purposes of coverage under this EDR Plan, the respective court is treated as the employing office of the clerk, the chief pretrial services officer, or the chief probation officer. For purposes of coverage under this EDR Plan, the district court clerk is treated as the employing officer of all staff in that office, including court reporters, courtroom deputies, and pro se law clerks; the bankruptcy court clerk is treated as the employing officer of all staff in that office; the chief pretrial services officer is treated as the employing officer of all staff in that office; and the chief probation officer is treated as the employing officer of all staff in that office. Federal Public Defenders, Bankruptcy Administrators and their staffs are subject to the EDR Plan of the Eleventh Circuit rather than the EDR Plans of the district in which they are stationed.
- C. The term “judicial officer” means a United States district judge or magistrate judge, or a United States bankruptcy judge.
- D. The term “court” refers to the United States District Court or Bankruptcy Court for the Southern District of Florida unless the context clearly indicates otherwise.
- E. The term “unit head” refers to the person most directly involved in or responsible for the employment decisions relating to employees and includes the clerk of court (for employees in the clerk’s office including court reporters, courtroom deputies and pro se law clerks, as applicable), the chief pretrial services officer (for employees in the pretrial services office), and the chief probation officer (for employees in the probation office).
- F. As used in this Plan, the term “days” refers to calendar days.

## **CHAPTER II. EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-DISCRIMINATION RIGHTS**

### **§1 General**

Discrimination against employees based on race, color, religion, gender (including sexual harassment), national origin, age (at least 40 years of age at the time of alleged discrimination), or disability is prohibited. The rights and protections previously afforded by this court's EEO Plan have been incorporated into this Plan.

- A. The provisions of this Plan shall not be construed as modifying or reducing qualification standards for employment that have been or may hereafter be established by the Judicial Conference. There are no positions for which race, color, gender, religion, national origin, age (except as indicated in Section 3A of this Chapter), or any combination of such factors, is an occupational qualification.
- B. The provisions of this Plan shall not be construed as calling for employment or promotion to a position for which the individual is not qualified or as providing anyone with entitlement to preferential treatment based on race, color, gender, national origin, religion, age, or disability.
- C. Each employee of the court (other than judicial officers) is and will continue to be an "AT WILL" employee.

### **§2 Special provisions relating to disabilities**

- A. The term "disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an employee.
- B. Provisions of Section 1 of this Chapter do not preclude consideration of a person's physical or mental impairments if they would significantly affect that individual's ability to perform important aspects of the job in question. Before a person is rejected for or removed from a job because of physical or mental impairments, reasonable accommodations should be considered in making the decision.
- C. Because probation and pretrial services officers are placed in high risk situations where a physical and mental disability could place them and others in extreme jeopardy, they are exempt from this section.

### **§3 Special provisions relating to age**

The provisions of Section 1 of this Chapter relating to age:

- A. Are subject to special provisions of law and regulations approved by the Judicial Conference with respect to the maximum age at initial hiring of probation and pretrial services officers and to mandatory retirement ages for such persons.
- B. Do not preclude consideration of appropriate training, experience, and education, notwithstanding the fact that such factors may be greater for older persons.
- C. Do not preclude limiting consideration (or giving preference) to persons who are or will be recent graduates of law school in filling positions of Law Clerk, notwithstanding the fact that such persons may have a median age less than that of all graduates of law school.
- D. Do not preclude (subject to the protections afforded in Section 2 of this Chapter) consideration of a particular individual's physical or mental impairment or limitation that significantly affects that person's ability to perform important aspects of a job even though that impairment or limitation may arguably be the result of the aging process.

### **§4 Special provisions relating to religion**

Reasonable accommodations shall be made for an individual's religious observances and practices unless it would significantly impair the operations or dignity of the court or impose undue hardship upon other court personnel.

### **§5 Special provisions relating to sexual harassment**

Employees of the court shall not engage in sexual harassment of co-workers, subordinates, or supervisors. Sexual harassment proscribed by this paragraph includes:

- A. deliberate or repeated unsolicited and unwelcomed verbal comments, gestures, or physical contact of a sexual nature, and
- B. demands, solicitations, offers, invitations, or other inducements for sexual relations between an employee and his or her supervisor, as to which it is explicitly or implicitly indicated that future personnel decisions regarding employment or advancement might, would, or should be affected by the existence or continuation of sexual relations.

## §6 Other policies

- A. A consideration may be given in an employment decision to the length of a person's employment with the court. Persons are not entitled, however, to preferential treatment based on length of service.
- B. Inclusion at all levels of the court's work force of persons with diverse ethnic, cultural, and personal characteristics has various benefits to the court, including an enrichment of the work environment through the sharing of different attitudes, traditions, and backgrounds; a public symbol of the court's own commitment to policies frequently involved in litigation before the court; and an encouragement to prospective qualified applicants from all segments of the labor force.

Efforts to accomplish the legitimate and worthy objectives of nondiscrimination must not infringe upon the principles of equal employment opportunity stated in Section 1 of this Chapter. Special recruitment efforts may properly be directed towards qualified individuals in unrepresented or under-represented segments of the available labor force, provided however, that no such efforts should imply that qualified persons from other segments of the available labor force are disqualified or in any way discouraged from also becoming applicants. Vacancies shall be publicized in a manner likely to reach qualified persons of all segments of the available labor market.

- C. In employing offices with promotional opportunities, training programs shall, to the extent reasonably practicable, be provided to give an opportunity for all affected employees to develop job skills needed for advancement. Unit heads shall make reasonable efforts to see that the skills, abilities, and potential of each employee are identified and developed and that all employees are given equal opportunities for promotions being offered when the work of the court permits. Within the limits of available resources, cross-training, reassignments, job-restructuring, special assignments and outside job-related training shall be offered. Each employee shall be given a fair and equal opportunity to demonstrate his or her skills and, where those abilities exceed general performance standards, may be recommended for personnel actions and awards recognizing such achievements.

**COMPLAINT UNDER EDR PLAN - Form 3**

**Submitted Under the Procedures of the Employment Dispute Resolution for the Southern District of Florida**

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**Prior to completing this form, please refer to the Employment Dispute Resolution Plan for the Southern District of Florida.**

**This form must be submitted no later than 15 days after receiving notice of the end of the mediation period. Please attach a copy of the completed REQUEST FOR CONSULTATION FORM and the REQUEST FOR MEDIATION FORM filed in connection with this matter. Please submit this form and all attachments to your court's EDR Coordinator.**

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- 1. Date Submitted: \_\_\_\_\_
  
- 2. Full Name of Person Filing Complaint: \_\_\_\_\_
  
- 3.a. Home Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 3.b. Home Phone: \_\_\_\_\_ 3.c. Work Phone: \_\_\_\_\_
  
- 4.a. Are you a current court/office employee? YES NO (Please circle)
- 4.b. Are you a former court/office employee? YES NO (Please circle)
- 4.c. Are/were you an applicant for a court/office position? YES NO (Please circle)
  
- 5. Name and address of the Employing Office against which this complaint is filed (under the terms of the court/office's EDR Plan, all complaints must be filed against an "Employing Office," not against an individual:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 6. Identify the chapters/sections of the EDR Plan under which your complaint is being filed.
  - Chapter II - Equal Employment Opportunity and Anti-discrimination Rights
    - Race
    - Color
    - Religion
    - Gender/Sex (includes sexual harassment)
    - National Origin
    - Age
    - Disability



- Chapter III - Family and Medical Leave Rights
- Chapter IV - Worker Adjustment and Retraining Notification Rights
- Chapter V - Employment and Reemployment Rights of Members of the Uniformed Services
- Chapter VI - Occupational Safety and Health Protections

7. Date(s) of alleged violation:

\_\_\_\_\_

8.a. Date on which consultation was requested: \_\_\_\_\_

8.b. Date on which consultation was completed: \_\_\_\_\_

8.c. Date on which mediation was requested: \_\_\_\_\_

8.d. Date on which mediation was concluded: \_\_\_\_\_

9. Name of person who served as counselor on this matter: \_\_\_\_\_

10. Name of person who served as mediator on this matter: \_\_\_\_\_

11. Please summarize the actions or occurrences giving rise to your complaint. Explain in what way you believe your rights under the EDR Plan were violated. Identify all persons who participated in this matter or who can provide relevant information concerning your complaint. (If there is insufficient space below, you may attach additional pages.)

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(Please attach copies of any documents that relate to your complaint, such as an application form, resume, letters, notices of discipline or termination, including copies of the completed REQUEST FOR CONSULTATION and the REQUEST FOR MEDIATION forms.)

12. What remedy do you seek from your complaint?

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13. Do you have an attorney or any other person who represents you in this matter?  
YES NO (Please circle)

If yes, please provide the following information concerning that individual:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

The undersigned hereby affirms, under penalty of perjury, that each and all of the foregoing statements are true and correct to the best of my knowledge, information or belief and agrees to cooperate to the fullest extent reasonably possible with further efforts to investigate and determine matters raised by this complaint.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

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Timetable and Procedures for Complaint, Review and Hearing (See also Attachment A)

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**Disposition of the Complaint**

1. The final decision of the chief judge or designated judicial officer must be issued in writing not later than 30 days after the conclusion of the hearing.
2. A party or individual aggrieved by a final decision of the chief judge or designated judicial officer has the right to receive written notice of any action taken as a result of the hearing..
3. 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 for review of that decision under procedures established by the judicial council of the Eleventh 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.

4. Where the chief judge or designated judicial officer finds that a substantive right protected by this court's EDR Plan has been violated, he/she may order a necessary and appropriate remedy. A remedy may be directed at correcting a past violation, prospectively ensuring compliance with the rights protected by the EDR Plan, or both. A remedy will be tailored as closely as possible to the specific violation involved. Remedies which may be provided to a successful complainant under the EDR Plan include, but are not limited to, those remedies outlined in Chapter VII, Section 9 of the EDR Plan.
5. Remedies which are not legally available include: payment of attorney's fees (except as authorized under the Back Pay Act), compensatory damages, and punitive damages.
6. Final decisions under this EDR Plan will be made available to the public in accordance with procedures established by the judicial council of the Eleventh Circuit.
7. Signature below indicates that the complainant understands that the hearing has concluded. If the complainant is not satisfied with the outcome of the hearing, he/she has the right and obligation, should he/she choose to pursue his/her claim, to file with the Circuit Executive of the Eleventh Circuit, a request for review of the hearing decision within twenty-one (21) days after receipt of the notice that a decision has been made by the hearing officer.

\_\_\_\_\_  
Signature of EDR Coordinator

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Timetable for Complaint, Review and Hearing**

1. Individual files complaint not later than 15 days after receiving notice of the end of the mediation period. The complaint is filed against an employing office, not an individual employee of the court/office.
2. Complaint and other documents are reviewed by the chief judge of the court, or by another judicial officer of the court designated by the chief judge.
3. 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.
4. If the chief judge or his/her designee does not dismiss the complaint, the chief judge or designated judicial officer, acting as the hearing officer, will hold a hearing on the merits of the complaint unless he/she determines that no material factual dispute exists.
5. The presiding judicial officer may provide for such discovery and investigation as is necessary.
6. The presiding judicial officer determines the time, place, and manner of conducting the hearing.
7. The hearing will begin no later than 60 days after the filing of the complaint.
8. The complainant and the head of the office against which the complaint has been filed receive written notice of the hearing.
9. Complainant has the right to representation, to present evidence on his/her behalf, and to cross-examine adverse witnesses.
10. The employing office has the right to present evidence on its behalf and to cross-examine adverse witnesses.
11. A verbatim record of the hearing is kept and becomes the sole official record of the proceeding.
12. Remedies may be provided in accordance with Chapter VII, Section 9 of this Plan.

**PETITION FOR REVIEW**  
**by the Eleventh Circuit Judicial Council - Form 4**

**Submitted Under the Procedures of the Employment Dispute Resolution Plan for the  
Southern District of Florida**

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**Prior to completing this form, please refer to the Employment Dispute Resolution Plan  
for the Southern District of Florida.**

**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 within 21 days of the date of  
the letter transmitting the decision of the judicial officer, file with the Circuit Executive a petition  
for a review by the Eleventh Circuit Judicial Council. A copy of such petition must also be  
provided to the EDR Coordinator or Alternate EDR Coordinator**

**The EDR Coordinator or Alternate EDR Coordinator shall be responsible for submitting  
the complete record of the proceeding to the Circuit Executive for use by the Judicial Council.  
Failure to execute a Petition for Review will preclude further processing of your claim.**

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1. Date Submitted: \_\_\_\_\_
2. Full Name of Person Filing Complaint: \_\_\_\_\_
- 3.a. Home Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 3.b. Home Phone: \_\_\_\_\_ 3.c. Work Phone: \_\_\_\_\_

By this filing with the Circuit Executive of the Eleventh Circuit, the undersigned requests  
review by the Judicial Council of the attached decision of the Chief Judge (or designee) of the Court.  
The undersigned contends that this decision is not supported by substantial evidence on the record as a  
whole and in the following particular respects:

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Signature of Petitioner

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Date

## 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*. Coverage is limited to employees who are covered by the annual and sick leave program established under Chapter 63 of Title 5 of the United States Code and who have completed at least 12 months of civilian service with the Federal Government.

## 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 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 a temporary employing office closing or mass layoff that results from the absence of appropriated funds.

### §2 Definitions

- A. The term "employing office closing" means the shutdown of a single site of employment if the shutdown results in an employment loss at the site during any 30-day period for 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 30-day period for at least 33 percent of the 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 PROTECTIONS**

### **§1 General**

Each employing office shall ensure that GSA provides a place of employment free from recognized hazards that cause or are likely to cause death or serious physical harm to employees. Because court offices and units occupy separate space and utilize facilities provided by the General Services Administration ("GSA"), complaints that seek a remedy exclusively within the jurisdiction of the GSA are not cognizable under this Plan; such requests should be filed directly with GSA. At those sites where the court exercises delegation authority for routine cleaning and maintenance of the buildings, similar complaints that seek a remedy exclusively within the jurisdiction of GSA are not cognizable under this Plan, such requests shall also be filed directly with GSA.

## **CHAPTER VII. DISPUTE RESOLUTION PROCEDURES**

### **§1 Procedure for consideration of alleged violations**

An employee who claims a denial of the rights granted under Chapter II through VI of this Plan may seek resolution of such claims through the procedures of this Chapter. Employees may also file and process a grievance or response to an adverse action as to matters covered by the court's grievance and adverse action policy. No matter may be the subject of both a grievance or adverse action and procedures under this Plan. The procedural process provided under this Plan involves the following steps:

- A. consultation;
- B. mediation;
- C. hearing before the chief judge (or a judicial officer designated by the chief judge) of the court; and

- D. review of the hearing decision under procedures established by the judicial council of the circuit.

These procedures do not preclude, and should not be construed as discouraging an individual from seeking to resolve a claim under the EDR Plan directly with the person or persons involved. Any such efforts do not, however, suspend or extend the time within which a request for mediation or a complaint may be timely filed; nor does a failure to seek such direct redress constitute a procedural bar or condition to the filing of a complaint or a matter relevant to the merits of that complaint.

## §2 General provisions and protections

- A. **Prohibition against retaliation.** The Court, any court unit head, or their assistants, shall not retaliate against, coerce or interfere with a complainant or anyone participating in the filing and processing of a complaint. However, the filing or pursuit of a frivolous or malicious complaint, or the presentation of knowingly false information may, if relevant, be considered in subsequent employment decisions or in the evaluation of the merits of subsequent complaints involving the same person.
- B. In the event it is determined by the hearing officer that the complaint was filed to harass or undermine good management or discipline by a supervisor within the office, disciplinary action against the complainant may be recommended by the hearing officer to the appointing authority.
- C. **Right to representation.** Every individual invoking the dispute resolution procedures of this Plan who may be affected uniquely and adversely by the resolution of a complaint under this Plan (such as, for example, a person whose promotion is claimed to have constituted a discriminatory practice) has the right (at his or her own expense) to be represented by a person of his or 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 or her court duties or constitute a conflict of interest, as determined by the representative's appointing officer. The head of a court unit involved in proceedings under this Plan is likewise entitled to representation in the processing and resolution of such a matter.
- D. **Case preparation.** Every individual invoking the dispute resolution procedures under this Plan, who may be affected uniquely and adversely by the resolution of a complaint under this Plan, may apply to the officer conducting that segment of the proceeding (i.e. the EDR Coordinator, the



dispute mediator or the hearing officer) for authorization to use a specific and limited amount of official time to prepare his or her case, by making written application to that officer, specifying the amount of time sought, the functions to which that time will be devoted, and other court personnel involved. The decision of the officer conducting that segment of the proceeding shall be final and not subject to further review nor may the decision be the subject of a complaint under this Plan.

- E. **Notice.** At the consultation stage, all communication shall be kept confidential as contemplated in § 5 C(3) of this chapter unless the employee agrees in writing to waive confidentiality of the consultation process for the purpose of allowing the designated counselor to contact the chief judge and/or attempt a resolution of the disputed matter directly with the person who is the subject of the complaint. A written record of all contacts must be kept by the EDR Coordinator (or Alternate EDR Coordinator) and be available for review by the complainant. Beginning at the mediation stage and until final resolution of the complaint, every individual alleged to be involved in a violation of the provisions of this Plan has the right to have reasonable notice of the charge and an opportunity to respond to the allegation. The EDR Coordinator or Alternate EDR Coordinator shall inform the complainant at the initial consultation stage how these provisions may eventually affect the confidentiality of the complaint.
- F. **Extensions of time.** The chief judge of the court, or other designated presiding judicial officer, may extend any of the deadlines set forth in this Chapter for good cause.
- G. **Records.** At the conclusion of proceedings under this Plan, all papers, files, and reports will be filed with the court's 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 or document an official personnel action.

### **§3 Designation and duties of employment dispute resolution coordinators**

The court will from time to time designate a person to serve as the EDR Coordinator and as an Alternate EDR Coordinator as described in Section 4 (A). The duties of such a person shall include the following:

- A. providing information to the court and employees regarding the rights and protections afforded under this Plan;

- B. coordinating and organizing the procedures and establishing and maintaining official files of the court pertaining to complaints and other matters initiated and processed under the Court's EDR Plan;
- C. consulting with individual's during the initial stages of the complaint process, in accordance with Section 5 of this Chapter;
- D. collecting, analyzing, and consolidating statistical data and other information pertaining to the court's EDR Plan;
- E. drafting for the court's approval an annual report to the Administrative Office; and,
- F. recommending to the court modifications to this Plan and suggestions for improvement in implementation.

#### **§4 General provisions relating to unavailability and disqualifications**

The following provisions are included to provide a mechanism to assure prompt consideration of complaints under the Plan and to address situations in which a person who would otherwise be involved in processing or resolution of a complaint under this Plan, because of such person's involvement in the employment decision in question or because of the potential effect on such person by the resolution of the complaint, might be reasonably viewed as biased:

- A. The court may from time to time designate a person to act as an Alternate EDR Coordinator. Complaints may be filed with the Alternate EDR Coordinator if the EDR Coordinator is unavailable, if the complaint relates to a matter involving the employing office of the EDR Coordinator, if the EDR Coordinator is named in the complaint or otherwise is directly involved in the complaint, or if the matter is of such a nature that the complaining person reasonably believes that the Alternate EDR Coordinator's gender makes them a more appropriate person with whom to file. The Alternate EDR Coordinator shall perform the duties assigned to the EDR Coordinator with respect to any complaint filed with them.
- B. The chief judge may from time to time, either by a continuing delegation or by a delegation for purposes of a particular matter, designate another judicial officer of the court to perform the duties assigned in this Section to the chief judge. A party may seek disqualification of a judicial officer, employee or other person involved in a dispute by written request to the chief judge. Such written request shall specify why the individual should be disqualified.

## §5 Consultation

A. **Initiating a proceeding - formal request for consultation.** An employee who believes that his or her rights under this Plan have been violated must first request consultation with either the court's EDR Coordinator or Alternate EDR Coordinator.

B. **Form and manner of requests.**

Requests for consultation:

- (1) are to be submitted to the court's EDR Coordinator or Alternate EDR Coordinator;
- (2) must be in writing on the form attached to this Plan as Form 1; and
- (3) must be made within 30 days of the alleged violation or within 30 days of the time the employee becomes aware of the alleged violation.

C. **Procedures:**

- (1) **Who may serve.** Consultation shall be conducted by the Court's EDR Coordinator or Alternate EDR Coordinator, unless the EDR Coordinator or Alternate EDR Coordinator are disqualified from serving pursuant to Section 4 of this Chapter, or otherwise unavailable. In such instances, the chief judge of the court shall designate another qualified individual to perform this function. If the dispute involves an alleged violation of this Plan by a judicial officer, the person who conducts the consultation process shall be a judicial officer designated by the chief judge.
- (2) **Purposes of consultation.** The purposes of the consultation process shall be to informally discuss the employee's concerns and elicit information regarding the matter which the employee believes constitutes a violation; to advise the employee of his or her rights and responsibilities and the procedures of the court applicable to the employment dispute resolution process; to contact the court unit executive of the employee's employing office in order to attempt to resolve the disputed matter; and to assist the employee in achieving an early resolution to the matter, if possible.

(3) **Confidentiality.** All contacts made, information obtained or exchanged and representations made by the complainant, the head of the office in which they are employed, any witness(es) and all other information obtained during the consultation process shall be treated in the same manner as other sensitive personnel issues which are normally confidential and for office use only. A written record of contacts made by the EDR Coordinator or Alternate EDR Coordinator must be kept and made available for review by the affected person(s). The EDR Coordinator and Alternate EDR Coordinator shall not discuss the request for consultation with each other unless the employee agrees in writing. See also Section 2 (E) of this chapter.

(4) **Form of settlement.** The EDR Coordinator or Alternate EDR Coordinator shall reduce to writing any settlement achieved during the consultation process. Any written settlement should provide notice to and accommodation of the interests of all persons who may be adversely affected by the settlement. Any settlement should be signed by the employee, his or her representative, if any, and all other individuals who, in the judgement of the chief judge, are necessary to implement the settlement, but need not be signed by all employees who may claim to be adversely affected thereby.

D. **Duration of period for consultation.** The consultation period shall not exceed 30 days (or a shorter period if consultation is concluded at an earlier date), beginning on the date the request for consultation is received by the EDR Coordinator or Alternate EDR Coordinator. The consultation period may be extended by the mutual agreement of the EDR Coordinator or Alternate EDR Coordinator and the employee for an additional 30 day period.

E. **Conclusion of the consultation period and notice.** The EDR Coordinator or Alternate EDR Coordinator shall notify the employee in writing of the end of the consultation process and notice shall also be given to the head of the employing office. As part of the notice, the EDR Coordinator or Alternate EDR Coordinator shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the EDR Coordinator or Alternate EDR Coordinator a request for mediation in accordance with Section 6 of this Chapter.

## §6 Mediation

A. **Initiation.** Within 14 days after receipt by employee of the notice of the conclusion of the consultation period, the employee may file a request for

mediation with the EDR Coordinator or Alternate EDR Coordinator. The request must be made in writing on the form attached to this Plan as Form 2 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.** Within 14 days after request for mediation is received by the EDR Coordinator or Alternate EDR Coordinator, the chief judge shall designate a mediator and provide written notice of such designation.
- (2) **Who may serve as mediator.** Any person with the skills to assist in resolving disputes, except the court's EDR Coordinator or Alternate EDR Coordinator, may serve as a mediator under this Plan. If the claim is 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 representative, if any, and the unit head, or designee of the employing office to discuss options for resolving a dispute, including any and all possibilities of reaching a voluntary, mutually satisfactory resolution. The mediator shall also meet separately and/or jointly with any other employee who may be affected uniquely and adversely by the potential resolution of the dispute.
- (4) **Confidentiality.** No person involved in the mediation process shall disclose, in whole or in any part, any information or records obtained through, or prepared specifically for, the mediation process, except as necessary to consult with parties directly involved in this mediation or their representatives. 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. (The provisions of this paragraph shall not be interpreted as precluding or limiting private communication between a person and his or her representative, or as requiring a record of such communications.) Once a matter enters the mediation stage, and until final resolution of the complaint, any individual involved in an alleged violation of the provisions of this Plan has the right to reasonable notice of the contentions made by the complaining party

and an opportunity to respond to those allegations. The EDR Coordinator or Alternate EDR Coordinator shall send to the Chief Judge, for information purposes, a copy of any Form 2, 3, or 4 that may come into his/her possession, as well as a copy of the notice heretofore described in subsection 5. E. The EDR Coordinator or Alternate EDR Coordinator shall inform the complaining and complained-of parties at the initial counseling stage how the notice provision may eventually affect the confidentiality of the complaint.

- (5) **Form of settlement.** The mediator shall reduce to writing any settlement achieved during the mediation process and provide copies to all parties and to any adversely affected person. If the settlement imposes a financial burden on the court's budget, the approval of the chief judge shall also be required.
- C. **Duration of mediation period.** The mediation period shall not exceed 30 days (or a shorter period if mediation is concluded at an earlier date), beginning on the appointment date of the mediator. The employee is required to attend at least one mediation session. Thereafter, he or she may proceed to file a complaint. The mediation period may be extended by mutual agreement of the mediator and the employee.
- 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 or Alternate EDR Coordinator shall provide the employee, the employee's representative, if any, and the head of the employing office written notice that the mediation period has concluded. The notice shall also inform the employee of his or her right to file a complaint under Section 7 of this Chapter. An employee may bring to the attention of the Chief Judge the fact that more than 30 days have elapsed since the beginning of the mediation period without such notice having been received.

## §7 Complaint, review and hearing

- A. **Complaint.** Not later than 14 days after receiving notice of the end of the mediation period, an employee may file a complaint with the chief judge (or if such person is disqualified or unavailable, with the judge of the court in active service and next most senior in service). The complaint shall be in writing on the form attached to this Plan as Form 3, shall be signed under penalty of perjury, shall identify the complainant and all involved parties and individuals, and shall set forth a short and plain statement of the

complainant's claim and the relief or remedy being sought. 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.

**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 designated by the chief judge. In the event the chief judge is disqualified under Section 4 of this Chapter, or is unavailable to serve under this subsection, the reviewing official shall be designated in accordance with the provisions of Section 4. If a complaint filed within the scope of this Plan alleges that a judge has violated rights protected by the Plan, that judge may elect to have a hearing conducted by a judge of another court, as designated by the Judicial Council of the Eleventh Circuit. Any designation of a judicial officer from another court to hear and decide the case shall be arranged with agreement of the chief judges of the affected courts.
- (2) **Reviewing 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 plainly without merit, untimely, or 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 or she determines that no material factual dispute exists.
- (2) **Specific provisions.** The presiding judicial officer may provide for appropriate discovery and investigation. 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 60 days after the filing of the complaint;

- (b) the complainant and the unit 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 any individual alleged to have violated rights protected by this Plan;
- (c) at the hearing, the complainant will have the rights to representation, to present evidence on his or her behalf, and to examine and cross-examine witnesses; the unit head will be entitled to representation, to present evidence and to examine and cross-examine 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 or her decision, the chief judge or designated judicial officer shall be guided by the 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 Eleventh 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 no later than 60 days after the conclusion of the hearing;
- (h) all parties, shall receive written notice of any action taken as a result of a hearing; and,
- (i) if the relief or remedy sought would uniquely and adversely affect another employee, that employee and his or her representative, if any, shall have the same rights to notice and to participation in the hearing as afforded to the complainant.

## **§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 within 21 days of the date of the letter transmitting the decision of the chief judge, petition for review of that decision under procedures set forth in Chapter VIII of this Plan.



**§9. Remedies**

- A. Where judicial officers, acting pursuant to section 7 or 8 of this Chapter, 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 ensuring 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) preferred consideration for a future promotion or placement in another position for which the complaining party is qualified;
  - (6) back pay and associated benefits, including attorney's fees, where the statutory criteria of the Back Pay Act, 5 U.S.C. Section 5596, are satisfied;
  - (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.

D. **Finality.** The decision of the Judicial Council is final and not subject to further review.

**§10 Record of final decisions.** Final decisions under this Plan shall be made to the public in accordance with procedures established by the Judicial Council of the Eleventh Circuit.

## CHAPTER VIII. JUDICIAL COUNCIL REVIEW PROCEDURES.

### §1 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 seek review under the procedures set forth herein. The standard governing such review shall be whether the decision is supported by substantial evidence on the record as a whole. The EDR Coordinator or Alternate EDR Coordinator shall be responsible for submitting the complete record of the proceeding to the Circuit Executive for use by the Judicial Council.

Following are the steps and procedures in the Judicial Council review process:

A. **Time, Place and Manner of Filing a Petition for Review.** 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 within 21 days of the date of the letter transmitting the decision of the chief judge, file with the Circuit Executive a petition for a review by the Judicial Council in the form attached to this Plan as Form 4.

B. **Receipt of timely petition in proper form.** Upon receipt of a timely petition for review filed in the form required, the Circuit Executive shall promptly acknowledge receipt of the petition and transmit a copy to the head of the court unit or office in which the complainant is employed, the judicial officer who determined the matter (or other official who summarily dismissed the complaint). Neither the person filing the petition for review nor the judicial officer who determined the matter (or other official who summarily dismissed the complaint) may otherwise communicate with the Judicial Council or any of its members about the matter. Fourteen (14) days after the acceptance

of a petition for review, the Circuit Executive shall send to each non-disqualified member of the Judicial Council copies of (1) the original complaint and any documents filed pertaining to it; (2) the record of proceedings; (3) the decision affecting the complaint and any documents filed pertaining to it; (4) the petition for review; (5) the response, if any; and (6) the ballot.

**C. Receipt of petition not in proper form or out of time.** Upon receipt of a petition for review not filed on the form required within 21 days of the decision determining the original complaint, the Circuit Executive shall return the petition and explain why it was returned.

**D. Review of Order**

Ballot. The ballot referred to in § B. shall ask the non-disqualified members of the Judicial Council whether the petition for review should be considered at the next meeting of the Council. If 14 days of the date on which the Circuit Executive sends the ballot to the members of Council, no member of the Council votes that the petition be considered at the next meeting, the original decision or dismissal shall be deemed affirmed.

**E. Decision by Judicial Council**

(1) A petition for review placed on the agenda of a meeting of the Judicial Council shall be decided by a majority of the non-disqualified members of the council present at the meeting.

(2) The Judicial Council may enter an order affirming the original or summary dismissal; (b) directing further investigation or (c) directing corrective action including remedies set forth in §9 of this Chapter. The Judicial Council may also take any other action within its authority pursuant to 28 U.S.C. §§ 332, 372.

(3) The order of the Judicial Council may be accompanied by a separate memorandum setting forth facts and containing findings and conclusions made by the Judicial Council. The order shall be accompanied by any separate or dissenting statements by members of the Council.

(4) The Circuit Executive shall provide to the complainant and the complained-of official a copy of the order and any separate or dissenting statements issued by members of the Council, and shall inform them that the Council's decision is final.

(5) The Circuit Executive shall transmit a copy of the order to the Chief Judge of the Eleventh Circuit and maintain a summary record that clearly identifies the nature of the proceeding and the disposition reached.

F. **Complained-of judge.** A complained-of judge and the judge rendering the decision that initially determined the matter which is under review by the Council are disqualified from participating in deliberations or decisions by the Judicial Council.

G. **Withdrawal of petition.** A complainant may withdraw a petition for review at any time before the Judicial Council acts on the petition.

## **§2 Finality**

The decision of the Judicial Council is final and not subject to further review.

# **CHAPTER IX. OTHER PROVISIONS**

## **§1 Annual Reports**

The EDR Coordinator shall annually provide to the court for its review, approval, and submission to the Administrative Office of the United States Courts a report on the implementation of this Plan. This report shall be in the format, and contain such information, as may be prescribed by the Administrative Office for inclusion in the Director's Annual Report to the Judicial Conference.

## **§2 Notice of Plan**

A copy of this Plan and any subsequent modification shall be given to each employee and upon request to applicants and members of the public. A copy of this Plan and any subsequent modifications shall also be filed with the Administrative Office.

## **§3 Effective Date**

Subject to approval by the Judicial Council of the Eleventh Circuit, this Plan takes effect on January 1, 1999. Any modifications (except with respect to the provisions of Section 6 of Chapter II) shall not take effect until approved by the Judicial Council of the Eleventh Circuit.

**REQUEST FOR CONSULTATION UNDER EDR PLAN - Form 1**

**Submitted Under the Procedures of the Employment Dispute Resolution Plan for the Southern District of Florida**

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**Prior to completing this form, please refer to the Employment Dispute Resolution Plan for the Southern District of Florida.**

**This form must be submitted within 30 days of the alleged violation or within 30 days of the time you became aware of the alleged violation. The period for counseling is 30 days or less beginning on the date this form is received by the EDR Coordinator. Please submit this form to your court's EDR Coordinator.**

---

1. Date Submitted: \_\_\_\_\_
  
2. Full Name of Person Requesting Consultation: \_\_\_\_\_
  
- 3.a. Home Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- 3.b. Home Phone: \_\_\_\_\_ 3.c. Work Phone: \_\_\_\_\_
  
- 4.a. Are you a current court/office employee? YES NO (Please circle)
- 4.b. Are you a former court/office employee? YES NO (Please circle)
- 4.c. Are/were you an applicant for a court/office position? YES NO (Please circle)
  
- 5.a. If you are a court/office employee, please state the following:  
Court/office in which you are currently employed: \_\_\_\_\_  
\_\_\_\_\_  
Date of appointment to current position job title: \_\_\_\_\_  
Current Position Job Title: \_\_\_\_\_
  
- 5.b. If you are a former court/office employee, please state the following:  
Court/office in which you were last employed: \_\_\_\_\_  
\_\_\_\_\_  
Date of termination from court/office: \_\_\_\_\_  
Position Job Title when last employed: \_\_\_\_\_
  
- 5.c. If you are/were an applicant for a court/office position, please state the following:  
Court/office to which you submitted application: \_\_\_\_\_  
\_\_\_\_\_  
Date of application for court/office position: \_\_\_\_\_  
Position Job Title for which you applied: \_\_\_\_\_
  
6. Date(s) of alleged incident or decision giving rise to this dispute: \_\_\_\_\_  
\_\_\_\_\_

7. Please summarize the actions or occurrences giving rise to this dispute and refer to the appropriate chapter(s) of this court's EDR plan.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(You may attach up to one additional page to this item, if necessary. Please reference item number.)

8. For a complaint under Chapter II, Equal Employment Opportunity and Anti-Discrimination, please check/identify the categories by which you are alleging discrimination:

- Race                       Color                       National Origin                       Age
- Disability                       Religion                       Gender

9. What corrective action do you seek in this matter?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Do you have an attorney or other personal representative?       No                       Yes  
If yes, name, address, and telephone number of representative:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This request for consultation is submitted by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Name of EDR Coordinator to whom submitted:

\_\_\_\_\_

\_\_\_\_\_  
Date

EDR Coordinator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

---

**Disposition of Request for Consultation**

1. Consultation was performed by: \_\_\_\_\_  
on the following date(s): \_\_\_\_\_  
\_\_\_\_\_
  
2. Describe any action taken by the EDR Coordinator as a result of the Request for Consultation:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. **Signature below indicates that the individual who requested consultation understands that the consultation period is concluded. If the individual is not satisfied with the outcome of the consultation session(s), he/she has the right and obligation, should he/she choose to pursue his/her claim, to file with the EDR Coordinator a Request for Mediation within 15 days after receipt of this notice indicating the conclusion of the consultation period. The request must be made in writing using the Request for Mediation form. Failure to pursue mediation will preclude further processing of this claim.**

\_\_\_\_\_  
Signature of EDR Coordinator

\_\_\_\_\_  
Signature of Individual Requesting  
Consultation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**REQUEST FOR MEDIATION UNDER EDR PLAN - Form 2**

**Submitted Under the Procedures of the Employment Dispute Resolution Plan for the Southern District of Florida**

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**Prior to completing this form, please refer to the Employment Dispute Resolution Plan for the Southern District of Florida.**

**Please attach a copy of the REQUEST FOR CONSULTATION FORM filed in connection with this matter. This mediation request form must be submitted within 15 days after receipt of the notice of the conclusion of the consultation period. The period for mediation is 30 days or less beginning on the date this form is received by the EDR Coordinator. The employee is required to attend at least one mediation session. Please submit this form and attachment(s) to your court's EDR Coordinator.**

**Failure to pursue mediation will preclude further processing of your claim.**

---

1. Date Submitted: \_\_\_\_\_
  
2. Full Name of Person Requesting Mediation: \_\_\_\_\_
  
3. If any of the information supplied in the REQUEST FOR CONSULTATION UNDER EDR PLAN form (attached) filed in connection with this matter is no longer accurate, please note the number of the entry on the REQUEST FOR CONSULTATION form to be changed, and state the change(s) you wish to make:  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This request for mediation is submitted by:

\_\_\_\_\_  
Signature Date

Name of EDR Coordinator to whom submitted: \_\_\_\_\_

Signature of EDR Coordinator: \_\_\_\_\_

Date of Receipt: \_\_\_\_\_



Name of Mediator to whom referred: \_\_\_\_\_ Date of referral: \_\_\_\_\_

Address of Mediator to whom referred: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

**To Be Completed by EDR Coordinator and forwarded to Mediator and Parties**

\_\_\_\_\_  
Name of Party Requesting Mediation

\_\_\_\_\_  
Name of Party Responding for Employing Office

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

If any party above is represented, please complete the following:

\_\_\_\_\_  
Name of Representative, if any, for Above Party

\_\_\_\_\_  
Name of Representative, if any, for Above Party

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number

---

**Disposition of the Request for Mediation**

1. Mediation session(s) occurred on the following date(s): \_\_\_\_\_  
\_\_\_\_\_

2. Describe any action taken by the parties as a result of the Request for Mediation:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Mediator

\_\_\_\_\_  
Date

3. Signature below indicates that the individual who requested mediation understands that the **mediation period is concluded**. If the individual is not satisfied with the outcome of the mediation session(s), he/she has the right and obligation, should he/she choose to pursue his/her claim, to file with the EDR Coordinator a Complaint under Chapter VII, Section 7 of the court's EDR Plan and request a hearing within 15 days after receipt of this notice indicating the conclusion of the mediation period.

\_\_\_\_\_  
Signature of EDR Coordinator

\_\_\_\_\_  
Signature of Individual Requesting Mediation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date