Appendix 1

EEO/EDR CHECKLIST

Plan coverage

You are covered by this plan if you are an employee, applicant for employment or former employee of one of the following offices:

- District Judge
- Bankruptcy Judge
- Magistrate Judge
- District Court Clerk's Office
- Shared Services Department
- Bankruptcy Court Clerk's Office
- Probation Office
- Pretrial Services Office

You are not covered by this plan if you are not an employee, applicant, or former employee of the above, including:

- an intern, providing gratuitous service
- an extern, providing gratuitous service
- an applicant for bankruptcy judge
- an applicant for magistrate judge
- an attorney representing an indigent CJA defendant
- a criminal defense investigator or expert funded by CJA
- a volunteer counselor or mediator

To be covered by this plan your complaint must involve:

- discrimination based on race, color, religion, sex (including pregnancy and sexual harassment), national origin, age (at least 40 years of age at time of alleged discrimination), disability, or sexual orientation
- violation of Family and Medical Leave Act
- violation of Worker Adjustment and Retraining Notification Rights
- violation of Employment and Reemployment Rights of Members of the Uniformed Services
- Occupational Safety and Health Protections
- Polygraph Tests

Counseling

To initiate the proceeding you must first submit a request for counseling to one of the EDR coordinators. The request must meet the following criteria:

Counseling request	
filed in writing,	
include all violations which you are asserting, and	
received within 90 days of alleged violation or within 90 days of time you became aware of alleged violation	

Counselor	
Must notify you in writing when counseling period has ended. Note: Counseling lasts 30 days.	
Must inform you of your right and obligation to request mediation as a condition of filing a formal complaint.	

Mediation

To proceed, you must then file a request for mediation to one of the EDR coordinators. The request must meet the following criteria:

Mediation request	
filed within 15 days after the counselor notifies you that the counseling period has ended,	
in writing, and	
stating all your claims. Note: Mediation lasts 30 days and you must attend at least one session.	

IF you reach a settlement...	...the mediator will reduce the settlement to writing
	you must sign it,
	your representative, if any, must sign it, and
	an authorized member of the employing office must sign it.
IF you do not reach a	... the EDR Coordinator will give you, your representative, if any, and the employing office written notice that the

settlement...	mediation period has ended, and tell you how to proceed with a complaint.

Complaint

To proceed, you must then file a complaint with the chief judge, who will forward it to the EDR coordinators. The complaint must meet the following criteria:

Complaint	
filed no later than15 days after EDR coordinator notifies you mediation has ended,	
in writing,	
identifying the complainant and all others involved,	
setting forth a short and plain statement of your claim,	
stating what relief you want, and	
naming the respondent as your employing office, not an individual.	

The chief judge of the court or presiding judicial officer, will review the complaint and may dismiss it if it is:

- untimely
- unduly repetitive of a previous claim, adverse action or grievance
- frivolous
- a claim that fails to state a basis upon which relief may be granted
- a claim that does not invoke violations of the rights or protections granted under the EEO/EDR Plan; or
- a claim that has not been the subject of mediation

Hearing procedures

You may have a hearing (unless the chief judge or presiding judicial officer dismisses the complaint or believes there are no material facts in dispute)

- The chief judge or presiding judicial officer will provide for necessary discovery and investigation, and determine the time, place and manner of conducting the hearing.
- The hearing will begin no later than 60 days after you file your complaint.
- You and the employing office will receive written notice of the hearing.
- Any individual alleged to have violated rights protected by the EEO/EDR Plan will also receive written notice of the hearing.
- You may have a representative.
- You or your representative may present evidence and cross-examine adverse witnesses.

- The employing office may present evidence and cross-examine adverse witnesses.
- A verbatim record of the hearing will be kept.

You will receive a decision within 30 days of the hearing.

Review of hearing decision

To request a review of the chief judge's final decision, you must submit a petition for review:

- within 30 days of the decision or summary dismissal
- in writing
- to the Judicial Council of the Eighth Circuit

The Judicial Council or a committee appointed by the Council will review the record created by the chief judge or presiding judicial officer.

The decision will be affirmed if it is supported by substantial evidence.