

EEO/EDR CHECKLIST

Consolidated Equal Employment Opportunity and Employment Dispute Resolution Plan (EEO/EDR Plan) for the District of Puerto Rico

- 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 or Bankruptcy Court Clerk
 - 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, or if you belong to one of the following groups of individuals who are specifically excluded from coverage under the Plan:
 - a temporary employee and applicants for temporary positions
 - law clerks hired for a period of 13 months or less, interns, and applicants for law clerk and intern positions
 - an applicant for the position of secretary to a judicial officer
 - an applicant for bankruptcy judge
 - an applicant for magistrate judge
 - a private attorney representing, or applying to represent, an indigent defendant under the CJA
 - a criminal defense investigator compensated under the CJA
 - a volunteer counselor or mediator

- To be covered by this Plan, your Complaint must involve:
 - discrimination based on race, color, religion, sex, sexual harassment, national origin, age (at least 40 years of age at time of alleged discrimination), or disability
 - violation of Family and Medical Leave Act
 - violation of Employment and Reemployment Rights of Members of the Uniformed Services
 - Occupational Safety and Health Matters
 - Polygraph Tests

- **INFORMAL RESOLUTION.**
 - You have the option of pursuing a COUNSELING process, a MEDIATION process, or BOTH. You must pursue some form of informal resolution (counseling OR mediation) before you can bring a formal complaint under Part F of Chapter 7 of the Plan. All claims should be raised in counseling or mediation so as to protect the interests of all parties involved.

- **COUNSELING**
 - To initiate counseling you must first submit a written request:
 - to EDR Coordinator
 - in writing and duly signed
 - within 30 days of alleged violation or of time you became aware of alleged violation
 - All contacts made or information obtained during the counseling process shall be confidential
 - EDR Coordinator must notify you in writing of conclusion of counseling period
 - Counseling period shall not exceed 30 days
 - EDR Coordinator must inform you of your right to request mediation or to file a formal complaint

(continues on reverse)

- **MEDIATION**
 - If initiating informal resolution proceedings with mediation, request must be within 30 days of alleged violation or of time you became aware of alleged violation
 - If continuing informal resolution proceedings after counseling, within 15 days after the EDR Coordinator notifies you that the counseling period has ended
 - To initiate mediation you must submit your request
 - in writing
 - to the EDR Coordinator
 - stating all your claims
 - You must attend at least one mediation session
 - Mediation will last 30 days
 - If you reach a settlement, the mediator will reduce the settlement to writing
 - you must sign it
 - an authorized member of the employing office must sign it
 - If you do not reach a settlement, the EDR Coordinator will give you, your representative, and the employing office written notice that the mediation period has ended, and tell you how to proceed with a complaint

- **FORMAL COMPLAINT**
 - To proceed, you must then file a formal complaint (a complaint form is available at the Clerk's Office)
 - 15 days after the EDR Coordinator notifies you that informal resolution, counseling and/or 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.
 - File your complaint with the EDR Coordinator, who will retain the original and transmit copies to the Chief Judge of the District Court or designated judicial officer, or, if it charges the chief judge, to the next most senior active district judge
 - The respondent will have a chance to respond to your formal complaint
 - The reviewing official will review the formal complaint and may dismiss it if it is:
 - frivolous;
 - unduly repetitive of a previous complaint; or,
 - fails to state a claim upon which relief may be granted.
 - All claims should have been raised in counseling or mediation

- **HEARING PROCEDURES**
 - You may have a hearing on your complaint (unless the hearing officer believes there are no material facts in dispute)
 - The hearing officer will provide for necessary discovery and investigation, and determine the Time, place, and manner of the hearing
 - The hearing will be held not more than 60 days after you file your complaint
 - You will 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's conclusion

- **REVIEW OF HEARING DECISION**
 - The EDR Coordinator shall inform all persons served with notice of the final decision of the chief judge or designated judicial officer of the procedures to seek review by the Judicial Council of the First Circuit