

**EQUAL EMPLOYMENT OPPORTUNITY (EEO)  
and  
EMPLOYMENT DISPUTE RESOLUTION (EDR) PLAN  
for the  
EASTERN DISTRICT OF WISCONSIN  
United States District Court  
United States Bankruptcy Court  
United States Probation Office**

**CHAPTER I - GENERAL PROVISIONS**

**1. Preamble**

The Federal Judiciary Model Equal Employment Opportunity and Employment Dispute Resolution Plan ("Model EEO/EDR Plan") was adopted by the Judicial Conference in order to provide rights and protections to employees of the United States Courts. Equal employment opportunity is provided 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), gender identity or expression, veteran status, genetic information, or disability. A discrimination complaint may also be filed for sexual harassment and any allegation of restraint, coercion, or retaliation because a person has raised an allegation of discrimination or has served as a representative, a witness, or an EEO/EDR coordinator in connection with a complaint. This court will promote equal opportunity through a program encompassing all facets of personnel management, including recruitment, hiring, promotion, and advancement.

The United States District Court, the United States Bankruptcy Court, and the United States Probation Office for the Eastern District of Wisconsin have adopted a combined Equal Employment Opportunity (EEO) and Employment Dispute Resolution (EDR) Plan. This combined Plan supersedes all previous versions of EEO and EDR plans for the District Court, Bankruptcy Court, and Probation Office of this district. Modifications to this Plan must be approved by the Seventh Circuit Judicial Council. A copy of this Plan has been, and any subsequent modifications will be, filed with the Administrative Office of the United States Courts. This District Court, Bankruptcy Court, and Probation Office shall annually submit a report on the implementation of the Plan to the Administrative Office for inclusion in the Director's Annual Report to the Judicial Conference of the United States.

Policies pertaining to adverse action or general grievance proceedings that do not invoke the rights and protections afforded under this Plan are not affected by the Plan. Likewise, policies relating to rights enumerated under the Plan that are not inconsistent with the rights and procedures established herein will not be affected by the Plan.

This EEO/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. §§ 351-364 and otherwise is intended to be the exclusive remedy of the employee relating to rights enumerated in the Plan.

## **2. Scope of Coverage**

The policies and procedures contained herein apply to all judges of the United States District Court and the United States Bankruptcy Court for the Eastern District of Wisconsin, court unit executives and staff, and all employees of the District Court, Bankruptcy Court, and Probation Office. The procedural rights to pursue formal dispute resolution under this Policy, however, do not apply to contract employees, externs, interns, Federal Community Defenders and their employees, applicants for federal defender, magistrate judge, or bankruptcy judge positions, applicants for law clerk, paralegal, or judicial assistant positions, private attorneys who apply to represent indigent defendants under the Criminal Justice Act, or volunteer mediators.

This policy is not intended to duplicate or supersede the provisions for resolving complaints of judges' misconduct or disability under 28 U.S.C. §§ 351-62.

## **3. Definitions**

For purposes of this Plan: The term "employing office" includes all offices of the District Court, Bankruptcy Court, Clerks of Court, Probation and Pretrial Services Office, pro se staff attorneys, and any offices that might be created in the future.

A. The term "court" refers to the appropriate court (district or bankruptcy) and court units located within the employing office which would be responsible for redressing, correcting, or abating the violations alleged in the complaint.

B. The term "disability" means –

A physical or mental impairment that substantially limits one or more of the major life activities of an employee,

A record of such an impairment, or

Being regarded as having such an impairment.

C. The term "discrimination" means –

Discrimination is generally defined as a materially adverse action affecting the terms and conditions of employment that is taken because of an individual's race, color, national origin, age, religion, sex, sexual orientation, gender identity or expression, veteran status, disability, or genetic information.

D. The term “harassment” means –

Harassment is a form of discrimination. It is generally defined as unwelcome conduct that is based on race, color, national origin, age, religion, sex, sexual orientation, gender identity or expression, veteran status, disability, or genetic information, that is subjectively and objectively offensive and has the purpose or effect of unreasonably interfering with an individual’s work and creating an abusive, hostile, or intimidating work environment.

Sexual harassment is a form of discrimination based on sex. It may include unwelcome sexual advances or other nonconsensual conduct of a sexual nature, when (1) submission to or rejection of such conduct is used as a basis or threatened basis for employment decisions, or (2) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance and creating an abusive, hostile, or intimidating work environment.

Sexually harassing behavior includes physical, verbal, and nonverbal behavior. Examples of inappropriate sexual behavior include, but are not limited to:

- unwanted sexual advances;
- inappropriate touching or other physical contact;
- promotion, retention or other employment actions (positive or negative) affected by an individual’s submission to or rejection of unwelcome sexual advances;
- favoritism based on submission (consensual or nonconsensual) to sexual overtures;
- repeated sexual jokes, flirtations, advances or propositions, or discussions of sexual activity (whether in conversation or through electronic or other means);
- abuse of a sexual nature or suggestive insulting, obscene comments or gestures; and
- display of sexually suggestive objects or pictures.

This Policy also expressly prohibits behavior that harasses or discriminates against court employees on the basis of any factor protected by law. Forms of such harassment or discrimination can include physical, verbal, and nonverbal behavior that harasses, disrupts, or interferes with work performance or in any way creates or contributes to an intimidating, hostile, or offensive work environment. Examples of such harassment or discrimination include, but are not limited to:

- Epithets, threats, slurs, or off-color jokes; and
- Drawings, cartoons, or behavior that is insulting, derogatory, or ridiculing of persons based on their legally protected status.

This Policy is intended to provide means for addressing unwelcome conduct regardless of whether it meets the legal standard for severe or pervasive conduct. Further, regardless of its form or motive, bullying, arbitrary harassment, or inappropriate conduct that fails to treat colleagues with respect undermines the court’s ability to do its job for the public and should not be tolerated.

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

### **1. General**

Discrimination against an employee based on race, color, religion, sex, national origin, age (at least 40 years of age at the time of the alleged discrimination), sexual orientation, gender identity or expression, veteran status, genetic information, or disability is prohibited. Sexual harassment is also prohibited.

Except as provided in paragraph 3 of this Chapter, court unit executives must ensure that all vacancies are publicly announced to attract candidates who represent the makeup of persons available in the qualified labor market and that all hiring decisions are based solely on job-related factors. Reasonable efforts should be made 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 by being offered, when the work of the court permits and within the limits of available resources, cross-training, reassignments, special assignments, and outside job-related training.

Judges and designated court managers and supervisors must apply equal employment opportunity practices and policies in their work units. These include giving each employee a fair and equal opportunity to demonstrate his or her skills and, where those abilities exceed general performance standards, to be recommended for personnel actions and awards recognizing such achievements. As resources permit, these policies also require providing training programs which enable employees to develop their job skills fully.

### **2. Special Provision for Probation and Pretrial Services Officers**

The age discrimination provisions of Section 1 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). Additionally, probation and pretrial services officers must meet all fitness for duty standards, and the requirement for compliance with such standards does not, in and of itself, constitute discrimination on the basis of disability.

### **3. Personnel Practices**

A. Recruitment - Each employing office will publicize all vacancies and make reasonable efforts to obtain a pool of qualified applicants which reflects the makeup of the relevant labor market.

B. Hiring - Each employing office will make its hiring decision strictly upon an evaluation of a person's qualifications and ability to perform the duties of the position.

C. Promotion - Each employing office will promote employees according to their experience, training, and demonstrated ability to perform duties of a higher level.

D. Advancement - Each employing office will seek, insofar as reasonably practicable, to improve the skills and abilities of its employees through cross-training, job restructuring, assignments, details, and outside training.

### **CHAPTER III - FAMILY AND MEDICAL LEAVE RIGHTS**

Title II of the Family and Medical Leave Act of 1993, 5 U.S.C § 6381 *et seq.*, applies to court employees in the manner prescribed in Volume 12, Chapter 9, Section 920.20.35, of the *Guide to Judiciary Policy*.

### **CHAPTER IV - WORKER ADJUSTMENT AND RETRAINING NOTIFICATION RIGHTS**

#### **1. General**

No "employing office closing" or "mass lay-off" (as defined in Section 2 of this Chapter) may occur until 60 days after the employing office serves written notice of a prospective closing or lay-off to employees who will be affected. This provision shall not apply to an employing office closing or mass lay-off that results from the absence of appropriated 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 30-day period, for 50 or more employees (excluding any part-time employees).

B. The term "mass lay-off" 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:
  - a. at least 33 percent of the employees (excluding any part-time employees); and at least 50 employees (excluding any part-time employees); or
  - b. at least 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**

An employing office shall not discriminate against an eligible employee or deny any 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**

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. Complaints which seek a remedy that is within the jurisdiction of the General Services Administration ("GSA") to provide are not cognizable under this Plan. Such requests should be filed directly with GSA as appropriate.

## **CHAPTER VII - POLYGRAPH TESTS**

Unless required for access to classified information, or otherwise required by law, no employee may be required to take a polygraph test.

## **CHAPTER VIII – WHISTLEBLOWER PROTECTION**

### **1. General**

Any employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or threaten to take an adverse employment action with respect to an employee (excluding applicants for employment) because of any disclosure of information to:

- A. The appropriate federal law enforcement authority, or
- B. A supervisor or managerial official of the employing office, a judicial officer of the court, or the Administrative Office of the United States Courts, by the latter employee, which that employee reasonably and in good faith believes evidences a violation of any law, rule, or regulation, or other conduct that constitutes gross mismanagement, a gross waste of funds, or a substantial and specific danger to public health safety, provided that such disclosure of information:
  1. is not specifically prohibited by law,
  2. does not reveal case-sensitive information, sealed material, or the deliberative processes of the federal judiciary (as outlined in the *Guide to Judiciary Policy*, Vol. 20, Ch. 8), and

3. does not reveal information that would endanger the security of any federal judiciary officer.

## **2. Definition**

For purposes of this Chapter, an “adverse employment action” means a termination, demotion, transfer, or reassignment; loss of pay, benefits, or awards; or any other employment action that is materially adverse to the employee’s job status, compensation, terms, or responsibilities, or the employee’s working conditions.

## **CHAPTER IX - DISPUTE RESOLUTION PROCEDURES**

### **1. Procedure for Consideration of Alleged Violations**

An employee who claims a denial of any of the rights granted under Chapters II through VIII of this Plan shall seek resolution of such claims through the procedures of this Chapter. Generally, the procedural process consists of:

- A. advice and / or counseling;
- B. mediation; and
- C. hearing before the Chief Judge of the District Court in which the alleged violation arises.

### **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 and every respondent have the right 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.

C. Case preparation - To the extent feasible, every individual invoking the dispute resolution procedures of the Plan may use a reasonable amount of official time to prepare his or her case, so long as it does not unduly interfere with the performance of his or her court duties. It is difficult to specify the amount of time that would be reasonable since the nature and complexity of the case, possible travel involved, number of witnesses, etc., will all influence preparation time. Employees and court officials are advised to be accommodating and flexible in making

arrangements to use official time for case preparation. However, the needs of the court and the ability to cover employees' absences are relevant factors; employees and court officials should schedule preparation time to ensure that the vital work of the court is not disrupted.

D. Extension of time - The Chief Judge or his/her designee may extend any of the deadlines set forth in this Chapter for good cause. All extensions of time granted will be made in writing and become part of the record.

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 EEO/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 official personnel action. Records will be maintained for two calendar years after the conclusion of the process, at which time the files may be destroyed.

### **3. Designation and Duties of EEO/EDR Coordinators**

The Chief Judge of each court (district and bankruptcy) will designate one employee to serve as a primary EEO/EDR Coordinator; the Coordinators are those employees set forth in Appendix A. The Chief Judge of the District Court will designate one employee to serve as the Coordinator for the Probation and Pretrial Services Office. The District Court's designee will serve as Coordinator for the Bankruptcy Court; the Bankruptcy Court's designee will serve as Coordinator for the Probation and Pretrial Services Office; and the Probation designee will serve as the Coordinator for the District Court.

The duties of the EEO/EDR coordinators include the following:

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

B. Coordinate and organize the procedures and establish and maintain official files of the court pertaining to complaints and other matters initiated and processed under this Plan;

C. Coordinate the counseling of individuals in the initial stages of the complaint process in accordance with Section 5 of this Chapter;

D. Collect, analyze, and consolidate statistical data and other information pertaining to the court's EEO/EDR processes; and

E. Compile and submit an annual report on the implementation of its EEO/EDR Plan to the Administrative Office for inclusion in the Director's Annual Report to the Judicial Conference.

F. advising the Chief Judge of the Seventh Circuit on designating EEO/EDR counselors – employees who agree to serve in that role and to receive specialized training in counseling other

employees and in the procedures established by this Policy, including the formal EDR procedures – within each court and employing office within the Seventh Circuit.

#### **4. General Disqualification Recusal Provision**

Whenever an individual invoking the dispute resolution procedures of this Plan files a timely and sufficient written statement that the judge, employee, or other person before whom the matter under this Chapter is pending has a personal bias or prejudice against him or her or in favor of any adverse party, the judge, employee, or other person shall proceed no further, but another person shall be assigned by the Chief Judge to hear the proceeding.

The written statement shall state the facts and the reasons for the belief that bias or prejudice exists and shall be filed not less than ten days after the initiation of each phase of this process, unless good cause for failure to file it within this timeframe is shown. A party may file only one such statement in any case. It shall be accompanied by a certificate of counsel of record, if applicable, stating that it is made in good faith. Disqualification statements should be provided to the Chief Judge, the person to be disqualified, the employing office, and the EEO/EDR coordinator.

#### **5. Advice and Counseling**

If you believe that you have been subjected to discrimination or harassment, you have a number of options. You should select the route you feel most appropriate for your circumstances, which may include a request for advice, an informal report of wrongful conduct, or a request for formal dispute resolution.

**One-on-one Resolution:** If you prefer to address the situation without assistance, you can communicate either orally or in writing with the person whose behavior is of concern. Your communication should clearly identify the conduct that is of concern and indicate that it was unwelcome and offensive and should cease. Such a communication often will cause the unwelcome behavior to stop, particularly where the person may not be aware that the conduct is unwelcome or offensive.

**Requests for Advice / Counseling:** You may, as an initial matter, contact the appropriate court EEO/EDR Coordinator (see Appendix A) or a designated EEO/EDR counselor from the same court unit, or a counselor from another court unit in the Circuit, to request advice about your situation. Any request for advice shall be kept confidential, but the coordinator or counselor shall provide an explanation of the informal and formal options for pursuing the matter under this Policy.

**Informal Reports of Wrongful Conduct:** You also may report wrongful job-related conduct to the court's Circuit EEO/EDR Coordinator or a designated EEO/EDR counselor. A judge may be the subject of a request for advice or a report of wrongful conduct.

*If the request for advice or report of wrongful conduct indicates wrongful conduct by a judicial officer, the person receiving the information shall promptly notify the Chief Judge of the Seventh Circuit (either directly or through the Circuit EEO/EDR Coordinator) so that the Chief Judge of the Seventh Circuit may take any appropriate action, including informal measures, pursuant to the provisions of 28 U.S.C. §§ 351–362 and Volume 2, Part E of the Guide to Judiciary Policy.*

The EEO/EDR Coordinator or designated EEO/EDR counselor shall ensure that all reports of wrongful conduct not involving judicial officers are investigated by the appropriate persons, and efforts should be made to resolve the issue through meaningful discussion and mediation. The informal nature of the process is intended to provide as much flexibility as possible in reaching an appropriate resolution of the report. The Circuit EEO/EDR Coordinator or designated EEO/EDR counselor shall keep informal investigations not involving judicial officers as confidential as possible under this Policy.

## **6. Mediation**

A. Initiation – Whether or not the employee receives advice and counseling, the employee may file with the designated EEO/EDR Coordinator a request for mediation (see Attachment 2). 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. Preliminary review – Upon receipt of the written request for mediation, the EEO/EDR Coordinator will forward the request to the District Court 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 by the most senior active district judge. The Chief Judge or designated judge may deny the request for mediation if the request (1) does not invoke violations of the rights or protections granted under this Plan; (2) is untimely; (3) is unduly repetitive of a previous claim, adverse action, or grievance; (4) is frivolous; or (5) fails to state a claim upon which relief may be granted.

2. Designation of mediator - A U.S. Bankruptcy Judge and a U.S. Magistrate Judge will be designated as mediators for disputes. The District Court Chief Judge will assign one of the two mediators at his/her discretion. As soon as possible after receiving the request for mediation, the EEO/EDR coordinator shall provide written notice of such designation.

3. Who may serve as mediator - If the complaint alleges that a judge has violated rights protected by this Plan and the District Court Chief Judge, in his/her discretion, determines that one of the designated mediators should not be assigned to the dispute, the Chief Judge shall designate another judge to serve as mediator for that dispute only.

4. Purpose of mediation - The mediator shall meet separately and/or jointly with the employee and his or her representative, if any, and the representative of the employing office to discuss alternatives for resolving a dispute, including any and all possibilities of reaching a voluntary, mutually satisfactory resolution.

5. 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.

6. Form of settlement - The mediator shall reduce to writing any settlement achieved during the mediation process and secure the signature of the employee, his or her representative, if any, and the appointing officer who is authorized to enter into settlement on the employing office's behalf.

C. Duration of mediation - The mediation period shall be 30 days (or a shorter period if the mediation is concluded at an earlier date), beginning the date the request for mediation is received. The employee is required to attend at least one mediation session. Thereafter, he or 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, the EEO/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 or her right to file a complaint under Section 7 of this Chapter.

## **7. Formal Complaint, Review, and Hearing**

A. Complaint - Not later than 15 days after receiving notice of the end of the mediation period, an employee may file a complaint (see Attachment 3) under procedures established by the court. The complaint shall be in writing, 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 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 District Court, or his/her designee. 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 by the most senior active district 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 designated 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 – On his or her own initiative or at the request of any party, the Chief Judge or presiding judicial officer may, at any time in the proceedings, dismiss a claim on the basis that it: (1) does not invoke violations of the rights or protections granted under this Plan; (2) is untimely; (3) is unduly repetitive of a previous claim, adverse action, or grievance; (4) is frivolous; (5) makes claims that were not advanced in mediation; or (6) fails to state a claim upon which relief may be granted.

#### C. Hearing procedures

1. Hearing officer - If the Chief Judge or designated judge does not dismiss the complaint under the preceding subsection, the Chief Judge or designated judge, 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 judge may provide for such discovery and investigations as are necessary. In general, the presiding judge 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 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(s) alleged to have violated the complainant's rights protected by the Plan whenever such individual is a judge or when the presiding judge otherwise determines such notice to be appropriate;

c. at the hearing, the complainant will have the right to representation, to present evidence on his or her behalf, and to cross-examine adverse witnesses; the employing office will have the right 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 a decision, the Chief Judge or designated judge shall be guided by the judicial and administrative decisions under the laws related to Chapters II through VIII of this Plan;
- f. remedies may be provided in accordance with Section 8 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 judge must be issued in writing not later than 30 days after the conclusion of the hearing and any necessary orders shall be signed by the judicial officer issuing the final decision;
- h. all parties, or any aggrieved individual, shall have the right to written notice of any action taken as a result of a hearing;
- i. all decisions of the Chief Judge or designated judge are final; and
- j. confidentiality - any person or party involved in the review process shall not disclose, in whole or in part, any information or records obtained through or prepared specifically for, the review process, except as necessary to consult with the parties or their representatives, and then only with notice to all parties. A written record of such contacts must be kept and made available for review by the affected person(s).

## **8. Remedies**

A. When a judge acting pursuant to Section 7 of this Plan finds that a substantive right protected by this Plan has been violated, he or 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 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 the statutory criteria of the Back Pay Act, 5 U.S.C. § 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;
3. punitive damages; and
4. overtime pay.

**9. Record of Final Decisions**

Final decisions will be made known to those parties involved in the complaint process. Final decisions under this Plan shall be made available to the public in accordance with the Chief Judge's discretion.

## **CHAPTER X- ANNUAL REPORT**

**1. Preparation of the Report on Complaints**

The EEO/EDR coordinators for the U.S. District Court, the U.S. Bankruptcy Court, and the U.S. Probation Office for the Eastern District of Wisconsin will each prepare an annual report for the year ending September 30, consolidating the data and statements received for each employing office. The report will include tables to be provided by the Administrative Office of the United States Courts consolidating the information provided by each employing office. The report will also describe instances where significant achievements were made in providing equal employment opportunities, will identify areas where improvements are needed, and will identify factors inhibiting achievement of equal employment opportunity objectives. In addition, the annual report will indicate:

- A. The number of complaints initiated;

- B. The types of complaints initiated according to race, sex, color, national origin, religion, age, gender identity or expression, veteran status, genetic information, or disability;
- C. The number of complaints resolved informally;
- D. The number of complaints resolved formally without a hearing; and
- E. The number of complaints resolved formally with a hearing.

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

Upon approval of the Clerk of the District Court and the Chief Probation Officer, the report will be submitted to the Chief District Judge. The Clerk of the Bankruptcy Court will submit the report to the Chief Bankruptcy Judge. Upon approval by the respective Chief Judges, the reports will be submitted to the Administrative Office of the United States Courts by a date specified by the Administrative Office of the United States Courts.

**2. Objectives**

Each employing office will develop annually its own objectives which reflect any improvements needed in recruitment, hiring, promotions, and advancement, and will prepare a specific plan for the EEO/EDR coordinator explaining how those objectives will be achieved.

**3. Availability of the Report on Complaints**

A copy of the report will remain in the court and will be made available to the public upon request.

**CHAPTER XI- NOTICE**

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

APPROVED AS TO FORM AND SUBSTANCE:

William C. Griesbach

Chief U.S. District Judge William C. Griesbach

8-16-2018

Date

Susan V. Kelley

Chief U.S. Bankruptcy Judge Susan V. Kelley

8/16/18

Date

## APPENDIX A

District Court EEO/EDR Coordinator: Probation Personnel Specialist  
Bankruptcy Court EEO/EDR Coordinator: District Court Human Resources Administrator  
Probation EEO/EDR Coordinator: Clerk of Court, Bankruptcy Court

### Designated EEO/EDO Counselors:

District Court: Karen Prochniewski, Director of Training  
Joan Harms, Career Law Clerk

Bankruptcy Court: Sean McDermott, Chief Deputy Clerk  
Emily Breslin, Career Law Clerk

Probation: Mitchell Farra, Supervising USPO

**COMPLAINT OF ALLEGED DISCRIMINATION**  
**Filed under the Eastern District of Wisconsin**  
**Equal Employment Opportunity (EEO) and Employee Dispute Resolution (EDR) Plan**

Date \_\_\_\_\_

1. Full Name of Complainant: \_\_\_\_\_

2. Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

3. Home Phone: \_\_\_\_\_ / \_\_\_\_\_ Work Phone: \_\_\_\_\_ / \_\_\_\_\_

4. If you are, or were, a court employee, state the following:

Court unit in which employed \_\_\_\_\_

Job Title \_\_\_\_\_

5. Basis for complaint/type of alleged violation of EEO/EDR Plan (indicate all that apply):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Date(s) of alleged incident(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Identify by name and position the person(s) involved (and describe how):

Name	Position	How Involved
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Witnesses to incident(s):

Name	Address	Phone No.
_____	_____	_____
_____	_____	_____
_____	_____	_____



**Date Received by Chief Judge:** \_\_\_\_\_

Signature\_\_\_\_\_

Eastern District of Wisconsin

**STATEMENT REGARDING CONFIDENTIALITY:**

The court or employing office shall protect the confidentiality of allegations filed under this Plan to the extent possible. However, information about allegations filed under this Plan shall be shared on a need-to-know basis. Records relating to violations under this Plan shall be kept confidential on the same basis.

I have read the statement regarding confidentiality.

\_\_\_\_\_

Print Name

\_\_\_\_\_

Signature

Date

**REQUEST FOR COUNSELING**  
**Filed under the Eastern District of Wisconsin**  
**Equal Employment Opportunity (EEO) and Employee Dispute Resolution (EDR) Plan**

Date \_\_\_\_\_

1. Full Name: \_\_\_\_\_

2. Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

3. Home Phone: \_\_\_\_\_ / \_\_\_\_\_ Work Phone: \_\_\_\_\_ / \_\_\_\_\_

4. If you are, or were, a court employee, state the following:

Court unit in which employed \_\_\_\_\_

Job Title \_\_\_\_\_

5. Basis for complaint/type of alleged violation of EEO/EDR Plan (indicate all that apply):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Date(s) of alleged incident(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Identify by name and position the person(s) involved (and describe how):

Name	Position	How Involved
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_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Witnesses to incident(s):

Name	Address	Phone No.
------	---------	-----------

_____	_____	_____
_____	_____	_____
_____	_____	_____



**Date Received by EEO/EDR Coordinator/Counselor:** \_\_\_\_\_

Signature\_\_\_\_\_

Eastern District of Wisconsin

**STATEMENT REGARDING CONFIDENTIALITY:**

The court or employing office shall protect the confidentiality of allegations filed under this Plan to the extent possible. However, information about allegations filed under this Plan shall be shared on a need-to-know basis. Records relating to violations under this Plan shall be kept confidential on the same basis.

I have read the statement regarding confidentiality.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**REQUEST FOR MEDIATION**  
**Filed under the Eastern District of Wisconsin**  
**Equal Employment Opportunity (EEO) and Employee Dispute Resolution (EDR) Plan**

Date \_\_\_\_\_

1. Full Name: \_\_\_\_\_

2. Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

3. Home Phone: \_\_\_\_\_ / \_\_\_\_\_ Work Phone: \_\_\_\_\_ / \_\_\_\_\_

4. If you are, or were, a court employee, state the following:

Court unit in which employed \_\_\_\_\_

Job Title \_\_\_\_\_

5. Basis for complaint/type of alleged violation of EEO/EDR Plan (indicate all that apply):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Date(s) of alleged incident(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Identify by name and position the person(s) involved (and describe how):

Name	Position	How Involved
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Witnesses to incident(s):

Name	Address	Phone No.
_____	_____	_____
_____	_____	_____
_____	_____	_____



**Date Received by EEO/EDR Coordinator:** \_\_\_\_\_

Signature\_\_\_\_\_

Eastern District of Wisconsin

**STATEMENT REGARDING CONFIDENTIALITY:**

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I have read the statement regarding confidentiality.

\_\_\_\_\_

Print Name

\_\_\_\_\_

Signature

Date