

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA**

IN RE ADDENDUM TO SEVENTH CIRCUIT)
EQUAL EMPLOYMENT OPPORTUNITY)
AND EMPLOYMENT DISPUTE RESOLUTION)
PLAN OF THE BANKRUPTCY COURT FOR)
THE SOUTHERN DISTRICT OF INDIANA)

**ORDER AFFIRMING ADOPTION OF
SEVENTH CIRCUIT EQUAL EMPLOYMENT OPPORTUNITY
AND EMPLOYMENT DISPUTE RESOLUTION PLAN DATED
JANUARY 1, 1999 AND ORDER
ADOPTING ADDENDUM THERETO**

By order dated June 1, 1998, This Court adopted the Seventh Circuit Plan for Equal Employment Opportunity and Employment Dispute Resolution (“the EEO/EDR Plan” or “Plan”) effective May 20, 1998. The Seventh Circuit revised the EEO/EDR Plan effective January 1, 1999. The Court’s records do not reflect that this Court adopted the revised Plan.

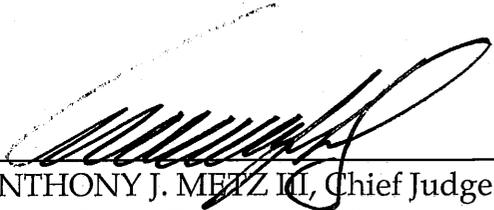
Furthermore, the United States District Court and the United States Probation Office for this District both adopted an Addendum to the Plan, which implemented some of the Plan’s terms. That Addendum was amended several times. However, this Court never passed the Addendum.

The District Court and Probation Office for this District have recently amended their Addendum. This Court, having reviewed the latest Addendum, has determined that certain of its terms should be applied to EEO/EDR actions which arise here. Furthermore, several additional provisions are appropriate and will help with implementation and enforcement of the Plan.

Therefore, the Court now **ORDERS** as follows:

1. The Seventh Circuit Equal Employment Opportunity and Employment Dispute Resolution Plan effective January 1, 1999, is adopted by this Court.
2. The Addendum to the Seventh Circuit Equal Employment Opportunity and Employment Dispute Resolution Plan, which is attached to this Order, is adopted and effective immediately.

ENTERED this 15 day of February, 2011, by Order of the Court.



ANTHONY J. METZ III, Chief Judge
United States Bankruptcy Court

**ADDENDUM TO
SEVENTH CIRCUIT EQUAL EMPLOYMENT OPPORTUNITY
AND EMPLOYMENT DISPUTE RESOLUTION PLAN**

A. Overview

This addendum is intended to supplement, but not conflict with, the Seventh Circuit Equal Employment Opportunity and Employment Dispute Resolution Plan (hereinafter the "Plan") adopted for use in the United States Bankruptcy Court for the Southern District of Indiana. To the extent that any provision within this addendum conflicts with the Plan, the provision is void.

B. Specific Provisions

1. Discrimination against employees and job applicants (consistent with Chapter VIII, § 5(b)(4) of the Plan) based on race, sex, pregnancy, color, national origin, religion, age (at least 40 years of age at the time of the alleged discrimination), disability, and sexual harassment is prohibited.
2. EEO/EDR Coordinators
 - a. The Plan provides for the naming of one or more EEO/EDR Coordinators. In accordance with those provisions, the U.S. Bankruptcy Court for the Southern District of Indiana names the following panel of individuals as EEO/EDR Coordinators:

Hope Sallee	--	HR Technician
Rebecca Vail	--	Chief Deputy
 - b. The EEO/EDR Coordinator will be responsible for appointing a Mediator in accordance with the Plan. Any Judge except the Chief Judge may be selected to serve as Mediator. In making an appointment, the EEO/EDR Coordinator will consider, but is not bound by, any request for the appointment of a particular Judge as mediator.
3. Provisions and Procedures
 - a. General - Employment dispute resolution proceedings are strictly administrative and are not "cases and controversies" under Article III of the Constitution.
 - b. Counseling - An employee or job applicant (consistent with Chapter VIII, § 5(b)(4) of the Plan) who believes that his or her rights under Chapters II through VII of the Plan have been violated

("the Claimant") must first request counseling, consistent with Chapter VIII, § 5 of the Plan.

- c. Mediation - Within 15 days after receipt by the Claimant of a notice of the conclusion of the counseling period, the Claimant may file with the EEO/EDR Coordinator a request for mediation. The request must be made in writing and must state the claim(s) presented. Failure to timely file a request for mediation will preclude further processing of the claim under any other provisions of Chapter VIII of the Plan.
- d. Complaint - Not later than 15 days after receiving a notice of the end of the mediation period, the Claimant may file a complaint consistent with Chapter VIII, § 7 of the Plan. Claims that were not presented in the request for mediation may not be pursued.
- e. Notice to Chief Judge and Clerk - The EEO/EDR Coordinator shall promptly notify the Chief Judge and the Clerk of any request for counseling, request for mediation, or official complaint.
- f. Forms - A Claimant who seeks counseling or mediation or who seeks to file a complaint pursuant to the Plan must use the form(s) contained in the Appendix to this Addendum. The Claimant must complete the relevant form(s) in full and submit the form(s) in accordance with the deadlines and procedures set forth in the Plan.
- g. Failure to Meet Deadlines - A written request for counseling or mediation or a written complaint may be denied, returned or dismissed for failure to meet the deadlines specified in the Plan.
- h. General Dismissal of Claim - 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 grounds that it does not invoke violations of the rights or protections granted under the Plan; is untimely; is unduly repetitive of a previous claim, adverse action, or grievance; is frivolous; or fails to state a claim upon which relief may be granted.
- i. Waiver of Mediation - By mutual agreement of the Claimant, the EEO/EDR Coordinator, and the Clerk, mediation may be waived.
- j. Request for Stay of Proposed Termination - Upon request of an employee who is subject to a proposed termination under the Court's Adverse Actions policy, the Chief Judge may stay termination until the completion of the dispute resolution process. If the Chief Judge grants a stay, then the Chief Judge may also

waive the counseling and mediation requirements and direct the employee to file a complaint by a date certain.

k. Disqualification

- i. When a Judge designated as a hearing officer is unavailable to serve as the hearing officer in a specific dispute or recuses himself or herself from any proceeding under the Plan, the Chief Judge, or the Chief Judge's designee, shall appoint another Judge to serve as hearing officer within 10 days after the Chief Judge, or the Chief Judge's designee, is notified of the Judge's unavailability or recusal.
- ii. When one or more parties to a dispute have a good faith belief that a Judge designated as a hearing officer has a conflict of interest which disqualifies the Judge from serving as a hearing officer in that proceeding, the party must file a written request for disqualification of the Judge and appointment of a new hearing officer. This request should be submitted to the Chief Judge, or the Chief Judge's designee, within one week after the grounds for disqualification become apparent to the party.

4. Maintaining Records

- a. The EEO/EDR Coordinators shall be responsible for maintaining in a manner consistent with the Plan all records relating to any claim brought under the Plan. The EEO/EDR Coordinator shall maintain a written procedure implementing the foregoing.
- b. All records maintained under the Plan shall be retained indefinitely, but may be purged from time to time at the direction of the Chief Judge after a determination that no viable need for the records exists.

5. Annual Report

- a. The EEO/EDR Coordinators shall be responsible for collecting by October 15 of each year the information noted in Chapter IX, Section 1, of the Plan.
- b. The Human Resources Technician shall prepare an annual report in compliance with Chapter IX, Section 1, of the Plan. This report shall be completed by October 30 of each year, and after approval by the Chief Judge shall be submitted to the Administrative Office of the U.S. Courts.

APPENDIX TO ADDENDUM

This Appendix contains the following forms, use of which is required pursuant to §B.3.f. of the Addendum:

1. Request for Counseling Under EEO/EDR Plan
2. Request for Mediation Under EEO/EDR Plan
3. Complaint Under EEO/EDR Plan

REQUEST FOR COUNSELING UNDER EEO/EDR PLAN

Submitted under the procedures of the
Equal Employment Opportunity/Employment Dispute Resolution Plan for the
United States Bankruptcy Court for the Southern District of Indiana

* * * * *

Prior to completing this form, please refer to the Equal Employment Opportunity/Employment Dispute Resolution Plan and Addendum. Please complete this form legibly, and submit it to an EEO/EDR Coordinator designated in § B.2. of the Court's Addendum to Seventh Circuit Equal Employment Opportunity and Employment Dispute Resolution Plan.

1. Full name of person requesting counseling: _____

2. Mailing address: _____

3. Home Phone: () _____ Work Phone: () _____

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

Job Title: _____

5. Name and address of the office from which you seek resolution of your dispute:

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: _____

8. Are you willing to waive confidentiality in order to permit the counselor to contact the employing office or to attempt a resolution of the disputed matter? YES NO

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

Signature

Date

Name of counselor to whom submitted: _____

Counselor's Signature: _____ Date of receipt: _____

REQUEST FOR MEDIATION UNDER EEO/EDR PLAN

Submitted under the procedures of the
Equal Employment Opportunity/Employment Dispute Resolution Plan for the
United States Bankruptcy Court for the Southern District of Indiana

* * * * *

Prior to completing this form, please refer to the Equal Employment Opportunity/Employment Dispute Resolution Plan and Addendum.

Attach a copy of the REQUEST FOR COUNSELING UNDER EEO/EDR PLAN form submitted in connection with this matter. Please complete this form legibly, and submit it to an EEO/EDR Coordinator designated in § B.2. of the Court’s Addendum to Seventh Circuit Equal Employment Opportunity and Employment Dispute Resolution Plan.

1. Full name of person requesting mediation: _____

2. If any of the information supplied in the REQUEST FOR COUNSELING UNDER EEO/EDR PLAN filed in connection with this matter is no longer accurate, please note the number of the entry on the request for counseling form to be changed, and state the change(s) you wish to make:

3. Date counseling was initiated: _____

4. Date of receipt of the notice of conclusion of counseling: _____

5. Name of person who provided counseling: _____

This request for mediation is submitted by:

Signature

Date

Name of person to whom submitted: _____

Signature of recipient: _____

Date: _____

COMPLAINT UNDER EEO/EDR PLAN

Filed under the procedures of the
Equal Employment Opportunity/Employment Dispute Resolution Plan
for the United States Bankruptcy Court for the Southern District of Indiana

* * * * *

Prior to completing this form, please refer to the Employment Dispute Resolution Plan and Addendum for your court unit. Please complete this form legibly, and submit it to an EEO/EDR Coordinator designated in § B.2. of the Court's Addendum to Seventh Circuit Equal Employment Opportunity and Employment Dispute Resolution Plan.

1. Full name of person filing complaint: _____

2. Mailing address: _____

3. Home Phone: () _____ Work Phone: () _____

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

 Job Title: _____

5. Name and address of the employing office against whom this complaint is filed. (Under the terms of the EDR plan, all complaints must be filed against an "employing office", not an individual): _____

6. Identify the Chapter(s) of the EDR Plan under which your complaint is being filed:

- Chapter II - Equal Employment Opportunity & 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
- Chapter VII - Polygraph Tests

11. Do you have an attorney or any other person who represents you in this matter?

Yes

No

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

Name: _____

Address: _____

Work Phone: _____ Fax: _____

I affirm that the information provided in this complaint is true and correct to the best of my knowledge.

Signature

Date