

Appendix 1 Request for Counseling

Submitted Under the Procedures of the Employment Dispute Resolution Plan for the
Bankruptcy Court for the Southern District of California

Prior to completing this form, please refer to the Employment Dispute Resolution plan for our court.
Please complete this form legibly.

Name of Person Requesting Counseling _____

Mailing Address _____

Home Phone _____ Work Phone _____

If you are a court employee, state the following:

Court Unit in which employed _____

Job Title _____

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

Date(s) of alleged incident or decision giving rise to this dispute _____

Please summarize the actions or occurrences giving rise to this dispute.

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

What remedies do you seek in this matter?

This request for counseling is submitted by:

Signature

Date

Name of Counselor to whom submitted _____

Counselor's Signature _____ Date of Receipt _____

Appendix 2
Request for Conference with Appointing Officer

Submitted Under the Procedures of the Employment Dispute Resolution Plan for the
Bankruptcy Court for the Southern District of California.

Prior to completing this form, please refer to the Employment Dispute Resolution Plan for our court. Please complete this form legibly.

Please attach a copy of the Request for Counseling form filed in connection with this matter.

Name of Person Requesting Conference with Appointing Officer _____

If any of the information supplied in the Request for Counseling 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:

Date counseling was initiated _____

Date of receipt of the notice of conclusion of counseling _____

Name of person who provided counseling _____

This request for conference with appointing officer is submitted by:

Signature

Date

Name of Person to whom submitted _____

Signature of recipient

Date of receipt

**Appendix 3
Request for Mediation**

Submitted Under the Procedures of the Employment Dispute Resolution Plan for the
Bankruptcy Court for the Southern District of California.

Prior to completing this form, please refer to the Employment Dispute Resolution Plan for our court. Please complete this form legibly.

Please attach a copy of the Request for Counseling form and Request for Conference with Appointing Officer filed in connection with this matter.

Name of Person Requesting Mediation _____

If any of the information supplied in the Request for Counseling or the Request for Conference with Appointing Officer 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:

Date conference with appointing officer was initiated _____

Date of receipt of the notice of conclusion of conference _____

Name of person(s) present at the conference _____

This request for mediation is submitted by:

Signature

Date

Name of Person to whom submitted _____

Signature of recipient

Date of receipt

Appendix 4 EDR Complaint

Filed Under the Procedures of the Employment Dispute Resolution Plan for the
Bankruptcy Court for the Southern District of California.

Prior to completing this form, please refer to the Employment Dispute Resolution Plan for our court.
Please complete this form legibly.

Name of Person Filing Complaint _____

Mailing Address _____

Home Phone _____ Work Phone _____

If you are a court employee, state the following:

Court Unit in which employed _____

Job Title _____

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):

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
- Sexual Orientation

Chapter III- Family and Medical Leave Rights

Chapter IV- Worker Adjustment and Retraining Notification Rights

Chapter V- Employment and Re-employment Rights of Members of the Uniformed Services

Chapter VI- Occupational Safety and Health Protections

Chapter VII- Polygraph Tests

Date(s) of alleged violation _____

Date on which counseling was requested _____

Date on which counseling was completed _____

Date on which conference was requested _____

Date on which conference was completed _____

Date on which mediation was requested _____

Date on which mediation was concluded _____

Name of person who served as Counselor on this matter _____

Name of person who served as Appointing Officer on this matter _____

Name of person who served as Mediator on this matter _____

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.)

Please attach a copy of any documents that relate to your complaint, such as an application form, resume, letters, notices of discipline or termination, etc.

What corrective action do you seek from your complaint?

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

Appendix 5

Procedures and Form for Review of EDR Presiding Judicial Officer Decision by the Executive Committee of the Judicial Council of the Ninth Circuit

I. Scope of the Rules

These rules govern procedures for petitioning for review of a decision, or summary dismissal, of an Employment Dispute Resolution (“EDR”) Plan complaint rendered by the chief judge or presiding judicial officer of the court involved (“Hearing Officer”). Such review is conducted by the Executive Committee of the Judicial Council of the Ninth Circuit (“Executive Committee”).

II. Filing of Petition for Review

- A. *Filing the Petition for Review* -- A party aggrieved by a final decision of the Hearing Officer or by summary dismissal of a complaint, may petition for review of that decision or summary dismissal by filing a petition for review to which is attached a copy of the decision of the Hearing Officer (or a copy of the summary dismissal).
- B. *Form of Petition and Supporting Arguments*-- The petition shall be in accordance with Form 1 shown in Appendix A. Included in the petition or as an attachment to the petition shall be a statement, not to exceed 10 pages in length (8 ½ x 11 white paper, double-spaced, single-sided) setting forth the basis for the petition and all arguments and information supporting the petition. The petition must be filed with the Executive Committee in a timely manner as set forth in Section III below.
- C. *Serving the Petition for Review*— The petitioning party must serve the petition on the Executive Committee by having it delivered to the Circuit Executive at the following address:

Office of the Circuit Executive
Assistant Circuit Executive- EDR Plan
P.O. Box 193939
San Francisco, CA 94119
Fax (415) 556-6179

Parcel Delivery:
95 Seventh Street
San Francisco, CA 94103

Simultaneously, a copy of the petition (and all attachments thereto) must be served on the opposing party, and proof of such service shall be included with the petition filed with the Executive Committee.

III. Filing Deadlines

- A. *Time for Filing a Petition for Review*- A petition for review must be submitted to the Executive Committee no later than 30 days following the date of the final decision of the Hearing Officer or following the date of a summary dismissal of the complaint.
- B. *Requests for Extension of Time*- The Executive Committee may extend the time to file a petition for review and for any other filing specified in these procedures, provided the request is received no later than the required filing date, and provided the petitioner shows good cause or excusable neglect.
- C. *Determining Time Periods*- The word “days” in all filing deadlines in these procedures shall mean calendar days, except that if the deadline date occurs on a Saturday, Sunday or holiday, the deadline shall be extended to the next following Monday or court business day respectively.

IV. Consideration by the Executive Committee

- A. *General* - All reviews will be conducted by the members of the Executive Committee, and shall be based on the decision of the Hearing Officer or the summary dismissal of a complaint and any documents submitted by the parties in response to the directive of the Executive Committee as outlined below.
- B. *Scope of Record and Documents to be Considered* - Within 20 days following receipt of the petition for review, the Executive Committee shall notify the parties concerning what, if any, additional information, i.e., record (e.g. hearing transcript), documents and/or briefs, may be submitted for its consideration. Unless notified by the Executive Committee of its request for additional information, neither party is to submit further information.
- C. *Oral Argument* - Oral argument will normally not be permitted, and only if specifically ordered but may be ordered by the Executive Committee. Either party may request such argument in writing filed within 7 days following filing of the petition as part of the petition (in the case of the party filing the petition) or (in the case of the Respondent) in a letter submitted no later than 7 days from receipt of the petition, setting forth the specific reasons why such argument is necessary, and why adequate argument cannot be made in written form. If granted, oral argument, may, at the sole discretion of the Executive Committee, be conducted via teleconference using video and/or audio technology.
- D. *Standard of Review* - The decision or summary dismissal of the Hearing Officer shall be affirmed if supported by substantial evidence.
- E. *Summary Disposition* - If at any time prior to the final submission of the case for review, the Executive Committee determines that the basis(es) of the request for review are so insubstantial as not to justify further proceedings, the court may issue an appropriate dispositive order.
- F. *Form of Final Review* - The Executive Committee shall issue its decision in writing.