IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

G.O. #87-3

RE:

AFFIRMATIVE ACTION PLAN

ORDER OF COURT

AND NOW this 24 day of April, 1987, after due consideration the model Affirmative Action Plan as revised by the Judicial Conference of the United States is hereby adopted and made effective this date.

The clerk is directed to provide a copy of this plan to each employee of the Court.

Joseph L. Cosetti
Chief Bankruptcy Judge

Warren W. Bentz
Bankruptcy Judge

Bernard Markovitz
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
OFFICE OF THE CLERK
WESTERN DISTRICT OF PENNSYLVANIA
1602 FEDERAL BUILDING
PITTSBURGH, PENNSYLVANIA 15222

IN REPLYING, GIVE NUMBER
OF CASE AND NAMES OF PARTIES

THEODORE S. HOPKINS
(412) 644-2700

MEMORANDUM

TO: Honorable Joseph L. Cosetti

FROM: Theodore S. Hopkins, Clerk J.A.H.

RE: Affirmative Action Plan

DATE: April 22, 1987

The Judicial Conference of the United States has recently revised the Affirmative Action Plan. I have attached a copy of the revised plan for your review.

I recommend that the revised Affirmative Action Plan be adopted. I have attached an order of court requiring each judge's signature so that this court may adopt the revised plan.

Thank you for your attention.

cc: Honorable Warren W. Bentz
Honorable Bernard Markovitz

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AFFIRMATIVE ACTION PLAN

Adopted April 24, 1987

Theodore S. Hopkins
Clerk, U.S. Bankruptcy Court
Equal Employment Opportunity Coordinator

I. PREAMBLE.

The Judicial Conference of the United States has directed that each court adopt a plan in conformance with the national policy of providing equal employment opportunity 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), or handicap. Each court will promote equal employment opportunity through a program encompassing all facets of personnel management including recruitment, hiring, promotion, and advancement. This program, which will be periodically evaluated, is not intended to modify or reduce the qualification standards for employment in the Federal courts as such standards have been approved by the Judicial Conference of the United States.

II. SCOPE OF COVERAGE.

This Equal Employment Opportunity Program applies to all court personnel including judges' staffs and court officers and their staffs.

III. ORGANIZATION.

A. Implementation.

The court shall implement the Equal Employment Opportunity Program. On behalf of the court, the Chief Judge will submit modifications in the plan for judicial council approval.

B. Heads of Court Support Units.

The heads of each court support unit must ensure that all vacancies are publicly announced to attract candidates who represent the make-up of persons available in the qualified labor market and all hiring decisions are based solely on job-related factors. They should make reasonable efforts 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, job restucturing, special assignments, and outside job-related training.

C. Judges, Court Managers, and Supervisors.

Judges and designated court managers and supervisors must apply equal employment opportunity practices and policies in their work units. This includes 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

V. EVALUATIONS.

Each court unit will prepare a brief report for the EEO Coordinator describing its efforts to provide equal employment opportunities in --

a) **Recruitment.** Each court unit will describe briefly efforts made to bring a fair cross-section of the pool available for the position into its applicant pool, including listing all employment sources used (e.g., state employment offices, schools, organizations, etc.). Each unit will also explain the methods it uses to publicize vacancies.

b) **Hiring.** Each court unit will identify where its recruitment efforts resulted in the hiring of a cross-section of the pool available and will, if known, explain those instances where members of the cross-section did not accept employment with the court when it was offered.

c) **Promotions.** Each court unit will briefly describe promotional opportunities which occurred and will provide an analysis of the distribution of promotions, including a description of those persons who were promoted to supervisory positions.

d) **Advancement.** Each court unit will describe what efforts were made to improve the skills and abilities of employees through cross-training, job restructuring, assignments, details, and outside training.

In addition, this evaluation should include information on factors inhibiting achievement of EEO objectives such as no vacancies, minimal numbers of qualified applicants in the relevant labor market, and on all persons in the unit who have received all relevant training. This report will also include a breakdown according to the race, sex, national origin, and handicap of the court's personnel involved on forms to be provided by the Administrative Office of the United States Courts. The report will cover personnel actions occurring in the year ending September 30 and will be submitted to the EEO Coordinator by November 1 of each year.

VI. OBJECTIVES.

Each court unit will develop annually its own objectives which reflect those improvements needed in recruitment, hiring, promotions, and advancement, and will prepare a specific plan for the EEO Coordinator explaining how those objectives will be achieved.

VII. ANNUAL REPORT.

The EEO Coordinator will prepare for the court's approval an annual report for the year ending September 30, consolidating

JUDICIARY EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

APPENDIX 1

DISCRIMINATION COMPLAINT PROCEDURES

Judicial Conference of the United States
March 1980

(Rev. September 1986)

I. SCOPE OF COVERAGE.

All applicants for court positions and all court personnel may seek timely redress of discrimination complaints through these procedures. These procedures, however, are not intended to be a replacement for the working relationship which must exist between supervisors and employees, nor are they intended to interfere in the administrative processes of the courts.

II. DEFINITION.

A discrimination complaint is any allegation that a person has been denied employment, promotion, or advancement, or has been affected in any other condition of employment, because of his or her race, sex, color, national origin, religion, age (at least 40 years of age at the time of the alleged discrimination), or handicap. It also includes allegations of restraint, interference, coercion, discrimination, or reprisal because a person has raised an allegation of discrimination or has served as a representative, a witness, or an EEO Coordinator in connection with a complaint. It does not include complaints relating other dissatisfactions in a person's conditions of employment which are commonly known as grievances.

III. RIGHTS OF PERSONNEL.

A. Retaliation.

Every complainant has the right to be free from retaliation, coercion, or interference because of filing a timely complaint.

B. Representation.

Every complainant and every person against whom a complaint has been filed has 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. A representative who is a court employee shall be free from restraint, interference, coercion, discrimination, and reprisal, and shall have a reasonable amount of official time to accompany, represent, and advise the complainant or the person complained against at any stage in the complaint procedures.

C. Notice.

Every person against whom a complaint has been timely filed has the right to have notice of the charges filed against him or her. All persons involved have the right to reasonable notice of any hearing conducted on a complaint.

C. **Formal Procedures.**

1. **Filing.**

If either the complainant or the person against whom the complaint has been filed objects to the rejection or cancellation of the complaint or any portion thereof, or to the findings and recommendations of the EEO Coordinator, such person may file a written request with the Chief Judge or a designee to have the matter reviewed.

2. **Review.**

Upon receipt of a request to review the findings and recommendations of the EEO Coordinator, the Chief Judge or a designee will:

a. Conduct any additional investigation which he or she deems necessary;

b. Determine whether to interview the parties or other persons;

c. Determine whether to hold a formal hearing on the matter; and

d. Issue a final decision on the rejection, cancellation, or merits of the complaint if it is found that no interviews or hearings are necessary.

3. **Hearing.**

If the Chief Judge or a designee finds that a hearing is necessary, all parties will be notified of such action. At the hearing, each party will have the right to representation, to present evidence on his or her behalf, and to cross-examine adverse witnesses. The Chief Judge or a designee will issue a final decision on the merits based upon his or her findings.

D. **Deadlines.**

Initial complaints and the review of complaints are subject to the following deadlines:

1. All complaints must be filed within 15 calendar days of a particular act or occurrence or within 15 calendar days of becoming aware of the act or occurrence, and no late filing will be accepted unless good cause is presented to the EEO Coordinator;

2. The EEO Coordinator will prepare a report within 20 calendar days after consultation with the involved parties;

COMPLAINT OF DISCRIMINATION
UNDER THE JUDICIARY EQUAL EMPLOYMENT OPPORTUNITY PLAN

1. Full Name of Complainant: _____

2. Address: _____

_____ Zip Code: _____

3. Home Phone: _____ Work: _____

4. If You Are Now a Court Employee, State the Title and Grade of Your Job: _____

5. Type of Alleged Discrimination: (Check and identify as many as are applicable) ___ Race _____

___ Sex _____ ___ National Origin _____

___ Color _____ ___ Handicap _____

___ Religion _____ ___ Age _____

6. Date of alleged discrimination: _____

7. Please identify by name and position the official you believe discriminated against you.

_____

_____

8. Please summarize the events or occurrences giving rise to your complaint, and explain how you believe you were discriminated against (i.e., treated differently from other employees or applicants because of your RACE, SEX, COLOR, NATIONAL ORIGIN, RELIGION, AGE, OR HANDICAP).* You should attach a copy of any documents that relate to your complaint, such as applications, resumes, notices of denial of employment or promotion, letters of reprimand, termination, etc.

_____

_____

_____

_____

_____

_____

* Please use back if additional space is needed.

9. Corrective action sought by you:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

10. Do you have an attorney or other person to represent you? _____. If yes, name and address of attorney:

_____

_____

_____
Signature

_____
Date