

UNITED STATES COURT OF INTERNATIONAL TRADE

EMPLOYMENT DISPUTE RESOLUTION PLAN

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CHAPTER I
GENERAL PROVISIONS

§ 1 Preamble.

This Plan shall be known as the United States Court of International Trade Employment Dispute Resolution Plan (“EDR Plan”). It was adopted by the Court based on the Model EDR Plan approved by the Judicial Conference of the United States in order to provide rights and protections to employees of the United States Court of International Trade which are comparable to those provided to legislative branch employees under the Congressional Accountability Act of 1995. This Plan supersedes all previous versions of the Court’s Employment Dispute Resolution Plan.

Claims arising under this Plan, or under the Court’s Equal Employment Opportunity Plan (“EEO Plan”), shall be treated in accordance with the procedures set forth in Chapter X of this Plan. The duties of the Court’s EEO Coordinator are assumed by the Employment Dispute Resolution Coordinator (established in Section 6 of Chapter X of this Plan), and the Court will follow the dispute resolution procedures set forth in Chapter X of this Plan for disputes arising under the EEO Plan.

Any modification of this Plan must be approved by the Court. This Plan will be posted on the Court’s internal and external websites. The Court will file a copy of this Plan and any subsequent modifications with the Administrative Office. The Court will annually submit a report on the implementation of this Plan to the Administrative Office for inclusion in the Director’s Annual Report to the Judicial Conference.

This Plan is not intended to duplicate the protections provided for the resolution of complaints of Judge misconduct or disability under 28 U.S.C. § 351, et. seq., and otherwise is intended to be the exclusive remedy of employees relating to rights enumerated under this Plan, or otherwise related to employment.

§ 2 Scope of coverage.

This Plan applies to all employees, including the Clerk of Court and Judges’ chambers staff, and to Judges of the United States Court of International Trade.

§ 3 Definitions.

For purposes of this Plan:

- A. The term “Court” refers to the United States Court of International Trade, including Senior Judges.
- B. The term “Judge” means someone appointed under Article III of the Constitution to this Court, including Senior Judges.

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- C. The term “employing office” means the Office of the Clerk of the Court for all employees except the chambers’ staff of Judges. The Court is the employing office for all chambers’ staff of Judges.
- D. The term “employee” includes all individuals listed in § 2 of this Chapter, except Judges, as well as applicants for employment and former employees, except as provided below. The term “employee” does not include interns or externs providing gratuitous services, private attorneys who provide *pro bono* services for litigants, volunteer counselors or mediators, or other individuals who are not employees of an “employing office” as that term is defined below.
- E. The term “claim” means the filing of a request for counseling as set forth in Chapter X, which may be further pursued by the filing of a request for mediation and a request for hearing.

CHAPTER II
EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-DISCRIMINATION RIGHTS

§ 1 General.

Discrimination against employees based on race, color, religion, sex (including pregnancy and sexual harassment), sexual orientation, national origin, age (at least 40 years of age at the time of the alleged discrimination), and disability is prohibited. Harassment against an employee based upon any of these protected categories or retaliation for engaging in any protected activity is prohibited. All of the above constitute “wrongful conduct.” The rights and protections of the Court’s Equal Employment Opportunity Plan (“the EEO Plan”) shall also apply to employees.

§ 2 Definition: The term “disability” means:

- A. a physical or mental impairment that substantially limits one or more of the major life activities of an employee,
- B. a record of such an impairment, or
- C. being regarded as having such an impairment.

See 42 U.S.C. § 12102(2) et. al.

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*.

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CHAPTER IV
WORKER ADJUSTMENT AND RETRAINING NOTIFICATION RIGHTS

§ 1 General.

No “employing office closing” or “mass layoff” (as defined in § 2 of this Chapter) may occur until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff to employees who will be affected. This provision shall not apply to the employing office closing or mass layoff 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 layoff” 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
 - (b) at least 50 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 an eligible employee reemployment rights or benefits under the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq.

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CHAPTER VI
OCCUPATIONAL SAFETY AND HEALTH PROTECTIONS

§ 1 General.

The Court will 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 to employees. Claims that seek a remedy that is exclusively 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.

§ 2 Court program requirements.

Under the supervision of the Court’s Facilities Committee, the Clerk of Court or her designee, will conduct periodic inspections of the workplace and provide prompt abatement of unsafe or unhealthy working conditions. Whenever such conditions cannot be promptly abated, the Clerk of Court or her designee will develop, under the supervision of the Court’s Facilities Committee, an abatement plan setting forth a timetable for abatement and a summary of interim steps to protect employees. Employees exposed to the conditions shall be informed of the provisions of the plan. When a hazard cannot be abated without assistance of GSA or other Federal agency, the Court shall act with that agency to secure abatement.

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,

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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 or 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 judicial 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
REPORTS OF WRONGFUL CONDUCT

A report of wrongful conduct is not the same as initiating or filing a claim under this Plan; thus, employees who wish to file an EDR claim relating to any alleged wrongful conduct as defined in Chapter II, § 1 must follow the procedures set forth in Chapter X of this Plan.

Judges and employees are encouraged to report wrongful conduct to the Court’s EDR Coordinator, the Chief Judge, Clerk of the Court, Chief Deputy Clerk, or to a supervisor as soon as possible, before it becomes severe or pervasive. Retaliation against any employee making a report of wrongful conduct is prohibited. The person receiving such a report has the responsibility to notify the EDR Coordinator as soon as possible.

The EDR Coordinator shall promptly inform the Chief Judge and Clerk of the Court of any report. The Chief Judge and/or Clerk of the Court shall ensure that the allegations in the report are appropriately investigated.

All individuals involved in the investigation shall protect the confidentiality of the allegations of wrongful conduct to the extent possible. Information and records about the allegations shall be shared on a need-to-know basis.

Employees found by the Chief Judge, or presiding Judge if not the Chief Judge, and/or the Clerk of the Court to have engaged in wrongful conduct, as defined in this Plan, may be subject to

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disciplinary action.

CHAPTER X
DISPUTE RESOLUTION PROCEDURES

§ 1 General procedure for consideration of alleged violations.

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

- A. counseling and mediation;
- B. hearing before the presiding Judge (who shall be the Chief Judge, unless the Chief Judge is the subject of the Complaint or otherwise unavailable); and
- C. review of the hearing decision.

§ 2 Alleged violation by employee.

Before invoking a request for counseling, an employee (to the extent feasible) is encouraged to bring his or her concerns to his or her supervisor(s), the EDR Coordinator, the Chief Deputy Clerk or the Clerk of Court. An employee alleging that any of the rights granted under this Plan or under this Court's EEO Plan have been violated by another employee, and who seeks relief under this Plan, must file a request for counseling with the Court's EDR Coordinator in accordance with Section 8 of this Chapter.

§ 3 Alleged violation by Judge.

Any employee alleging that a Judge violated any rights granted under this Plan or under this Court's EEO Plan may file an EDR claim in accordance with this Plan. In such an instance, however, the Counseling and Mediation under this Chapter will be performed by the most senior active Judge on the Court after the Chief Judge, unless this Judge must act as the presiding Judge, or another judge is otherwise designated by the Court. If common factual allegations cause a judge to become the subject of both an EDR claim and a judicial misconduct complaint under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364, the Chief Judge (or if the Chief Judge is the subject of the complaint, the most senior active judge on the Court after the Chief Judge unless another judge is otherwise designated by the Court) will, unless circumstances otherwise require, stay the EDR claim until action is taken on the judicial misconduct complaint.

§ 4 Confidentiality.

The confidentiality of allegations filed under this Plan will be protected 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.

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§ 5 General provisions and protections.

- A. Prohibition against retaliation - Claimants under this Plan have the right to be free from retaliation because of filing a claim pursuant to this Plan. Likewise, any person who participates in the filing or processing of a claim, such as the EDR Coordinator, counselor, 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 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, as determined by the representative's appointing officer.
- C. Case preparation - To the extent feasible, every individual invoking the dispute resolution procedures of this 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.
- D. Extensions of time - The presiding Judge, may extend any of the deadlines set forth in this Chapter for good cause.
- E. Dismissal of claim - On his or her own initiative or at the request of any party, the presiding Judge 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 this Plan or the EEO Plan, is untimely, is unduly repetitive of a previous claim, adverse action, or grievance, is frivolous, fails to state a claim upon which relief may be granted, or asserts a claim in the complaint that was not previously presented in the request for mediation or in mediation.
- F. Records - At the conclusion of formal and informal proceedings under this Plan, all papers, files, and reports will be filed with the Court's 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 an official personnel action.

§ 6 Designation and duties of EDR Coordinator.

The Administrative Manager at the Court will serve as the EDR Coordinator under this Plan. The Court will also designate one Alternate EDR Coordinator who will serve as the EDR Coordinator under this Plan in cases where the Administrative Manager is disqualified from serving as counselor under § 7 of this Chapter or is otherwise unavailable. The duties of the EDR Coordinator include the following:

- A. to provide information to the Court and employees regarding the rights and protections afforded under this Plan;
- B. to coordinate and organize the procedures and establish and maintain official files of the Court pertaining to claims and other matters initiated and processed under this Plan;

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- C. to coordinate the counseling of individuals in the initial stages of the claims process, in accordance with § 8 of this Chapter; and
- D. to collect, analyze, and consolidate statistical data and other information pertaining to the Court's employment dispute resolution process.

§ 7 General disqualification provision.

The employee filing a claim under this Plan may seek the disqualification of a person designated to conduct the counseling, mediation or hearing of his or her claim pursuant to the Appendix to this Plan. That request is to be filed promptly, but in no case later than 5 days after the employee learns the identity of the person he or she is seeking to disqualify. During the pendency of the disqualification request, all pertinent deadlines specified in this Plan will be suspended.

§ 8 Counseling.

- A. Initiating a proceeding; formal request for counseling - An employee who believes that his or her rights under this Plan have been violated must first request counseling.
- B. Form and manner of requests - Requests for counseling:
 - 1. are to be submitted to the Court's EDR Coordinator;
 - 2. must be made in writing and should contain all the violations asserted by the claimant; and
 - 3. must be made within 30 days of the alleged violation or within 30 days of the time the employee becomes aware of the alleged violation.
- C. Procedures.
 - 1. Who may serve as counselor - The counseling shall be conducted by the Court's EDR Coordinator, unless the EDR Coordinator is disqualified from serving as counselor under § 7 of this Chapter, or is otherwise unavailable. In such instances, the Alternate EDR Coordinator will perform the counseling function. The EDR Coordinator shall promptly provide a copy of the request for counseling to the Clerk of the Court and Chief Judge.
 - 2. Purposes of counseling - The purposes of the counseling shall be to discuss the employee's concerns and elicit information regarding the matter which the employee believes constitutes a violation; to advise the employee of his or her rights and responsibilities and the procedures of the Court applicable to the employment dispute resolution process; to evaluate the matter; and to assist the employee in achieving an early resolution of the matter, if possible.

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3. 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.
 4. Form of settlement - The EDR Coordinator shall reduce to writing any settlement achieved during the counseling process and secure the signatures of the employee, his or her representative, if any, and the member of the employing office who is authorized to enter into settlement on the employing office's behalf.
- D. Duration of counseling period - The period for counseling shall be 30 days (or a shorter period if counseling is concluded at an earlier date), beginning on the date that the written request for counseling is received by the EDR Coordinator.
- E. Conclusion of the counseling period and notice - The EDR Coordinator shall notify the employee in writing of the end of the counseling period. As part of the notice, the EDR Coordinator shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the EDR Coordinator a request for mediation in accordance with § 9 of this Chapter.

§ 9 Mediation.

- A. Initiation - Within 15 days after receipt by the employee of the notice of the conclusion of the counseling period, the employee may file with the EDR Coordinator a request for mediation. The request must be made in writing and must state the claim(s) presented. The EDR Coordinator shall promptly provide a copy of the request for mediation to the Clerk of the Court and the Chief Judge. Failure to pursue mediation will preclude further processing of the employee's claim under any other provisions of this Chapter.
- B. Procedures:
1. Designation of mediator - As soon as possible after receiving the written request for mediation, the EDR Coordinator shall designate a mediator and provide written notice of such designation.
 2. Who may serve as mediator - Any person with the skills to assist in resolving disputes, except the Court's EDR Coordinator, may serve as a mediator under this Plan. The Court's Alternate EDR Coordinator may serve as mediator if he or she is not serving in the capacity of EDR Coordinator in the particular proceeding.
 3. Purpose of mediation - The mediator shall meet separately and/or jointly with the employee and his or her representative, if any, and the employing office to discuss

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alternatives for resolving the dispute, including any and all possibilities of reaching a voluntary, mutually satisfactory resolution.

4. 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.
 5. 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 member of the employing office who is authorized to enter into settlement on the employing office's behalf.
- C. Duration of mediation period - The mediation period shall be 30 days (or a shorter period if mediation is concluded at an earlier date), beginning on the date the written 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 request for a hearing.
- D. Conclusion of mediation period and notice - If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the 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 § 10 of this Chapter.

§ 10 Complaint 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 with the EDR Coordinator. 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 relief or remedy being sought. Claims that were not presented in § 9(A) of this Chapter may not be pursued. The respondent shall be the employing office which would be responsible for redressing, correcting or abating the violations(s) alleged in the complaint. No individual shall be named as respondent in the complaint. Upon receipt of the complaint, the EDR Coordinator shall promptly transmit a copy of the complaint to the employing office, which may, if it chooses, file with the EDR Coordinator, within seven days, a written response to the complaint.
- B. Hearing procedures:
1. Presiding Judge - If the presiding Judge does not dismiss the complaint, he or she will hold a hearing on the merits of the complaint unless he or she determines that no material factual dispute exists.

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2. Specific provisions - The presiding Judge may provide for such discovery and investigation as is 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 alleged to have violated rights protected by this Plan;
 - (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 his or her decision, the presiding Judge shall be guided by judicial and administrative decisions under the laws related to this Plan and by decisions of the Court under § 11 of this Chapter;
 - (f) remedies may be provided in accordance with § 12 of this Chapter where the presiding Judge 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 presiding Judge must be issued in writing not later than 30 days after the conclusion of the hearing; and
 - (h) all parties or any aggrieved individual shall have the right to written notice of any action taken as a result of a hearing.

§ 11 Review of decision.

A. General -

A party or individual aggrieved by a final decision of the presiding Judge, or by a summary dismissal of the complaint, may petition for review of that decision under the procedures below. Any review will be conducted by the Court based on the record created before the presiding Judge, and shall be affirmed if supported by substantial evidence.

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B. Request for review -

A petition for review of the presiding Judge's decision:

1. must be submitted to the Court's EDR Coordinator;
2. must be made in writing; and
3. must be submitted not later than 15 days after the date on which complainant receives a copy of the decision.

C. Time for decision -

A decision on any petition for review made under this section must be issued in writing not later than 90 days after the petition for review was submitted.

§ 12 Remedies.

A. Where there is a finding pursuant to § 10 or § 11 of this Chapter that a substantive right protected by this Plan has been violated, a necessary and appropriate remedy may be ordered. A remedy may be directed at correcting a past violation, prospectively ensuring compliance with the rights protected by this 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 the employee was 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, or other appropriate means.

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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; and
3. punitive damages.

§ 13 Record of final decisions.

Final decisions under this Plan shall be filed with the EDR Coordinator. No documents from proceedings covered under this Plan will be made available to the public unless the presiding Judge determines that a compelling public interest warrants disclosure. If the presiding Judge makes such a determination, only the final decision will be so disclosed. In no case will any part of the Counseling or Mediation process under Sections 8 and 9 of this Chapter be made available to the public.

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APPENDIX

Disqualification Procedures.

A. General.

Any person seeking disqualification or recusal of an EDR Coordinator, counselor, mediator, Judge presiding over a hearing, or reviewing official, shall promptly, but in no case later than 5 days after the employee learns the identity of the person he or she is seeking to disqualify, submit a written statement to the presiding Judge explaining the reasons for the requested disqualification or recusal. In determining whether disqualification or recusal is warranted, the presiding Judge shall consider whether the impartiality of the person whose disqualification is sought might reasonably be questioned. If disqualification or recusal is warranted, the presiding Judge shall designate another individual to serve in that role.

When the Court is named as the respondent in a claim, any Judge involved in the dispute may be disqualified from participating in any consideration or adjudication of the claim.

B. Disqualification of the presiding Judge on consideration of a petition for review of the presiding Judge's decision.

If a petition for review of the presiding Judge's decision dismissing a complaint or concluding a proceeding is filed with the Court pursuant to Chapter X § 11 of this Plan, the presiding Judge will not participate in the consideration or adjudication of the petition by the Judges of the Court. In such a case, the presiding Judge may address a written communication to all the Judges of the Court, with copies provided to the complainant and to the Clerk of the Court.

C. Substitute for disqualified Chief Judge.

If the Chief Judge is disqualified from participating in consideration of the claim, the duties and responsibilities of the Chief Judge under this Plan will be assigned to the most senior active Judge of this Court after the Chief Judge.

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**REQUEST FOR COUNSELING UNDER THE
EMPLOYMENT DISPUTE RESOLUTION (EDR) PLAN OR
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PLAN**

This request is submitted under the Procedures of the Court's Employment Dispute Resolution Plan or Equal Employment Opportunity Plan.

Prior to completing this form, please refer to the EDR or EEO Plan, as applicable. Please complete this form legibly.

1. Name of person requesting counseling: _____

2. Mailing address: _____

3. Home Phone No. (_____) _____ Work Phone No. (_____) _____

4. Date(s) of alleged incident(s) or decision(s) giving rise to this dispute:

5. Please summarize the actions or occurrences giving rise to this dispute. Explain in what way you believe your rights under the EDR or EEO Plan were violated. Identify all persons who participated in this matter or who can provide relevant information concerning the actions or occurrences giving rise to this dispute. (attach additional pages if needed.):

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6. What corrective action do you seek in this matter?

Signature of person requesting counseling

Date

Name of Counselor to whom submitted:

Counselor's signature

Date

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**REQUEST FOR MEDIATION UNDER THE
EMPLOYMENT DISPUTE RESOLUTION (EDR) PLAN OR
EQUAL EMPLOYMENT OPPORTUNITY (EEO) PLAN**

This request is submitted under the Procedures of the Court's Employment Dispute Resolution Plan or Equal Employment Opportunity Plan.

Prior to completing this form, please refer to the EDR or EEO Plan, as applicable. Please complete this form legibly.

Please attach a copy of the REQUEST FOR COUNSELING form filed in connection with this matter.

1. Name of person requesting mediation: _____

2. If any of the information supplied in the REQUEST FOR COUNSELING UNDER THE EDR/EEO 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. Please summarize the actions or occurrences giving rise to this dispute. Explain in what way you believe your rights under the EDR or EEO Plan were violated. Identify all persons who participated in this matter or who can provide relevant information concerning the actions or occurrences giving rise to this dispute. (attach additional pages if needed.):

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4. Date notice of conclusion of counseling was received: _____

Signature of person requesting mediation *Date*

Name of person to whom submitted: _____

Mediator's signature *Date*

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COMPLAINT NO: _____

**COMPLAINT FILED UNDER THE PROCEDURES
OF THE EMPLOYMENT DISPUTE RESOLUTION (EDR) PLAN
OR EQUAL EMPLOYMENT OPPORTUNITY (EEO) PLAN**

Prior to completing this form, please refer to the EDR or EEO Plan, as applicable. Please complete this form legibly.

1. Full name of complainant: _____

2. Mailing address: _____

3. Home Phone No. (_____) _____ Work Phone No. (_____) _____

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

- Chapter II - Equal Employment Opportunity and Anti-Discrimination Rights
Type of alleged discrimination: (check and identify as many as are applicable)
 - Race Color National Origin
 - Age Religion Sexual Orientation
 - Disability Sex (including pregnancy and sexual harassment)

- 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

- Chapter VIII - Whistleblower Protection

5. Date(s) of the alleged violation: _____

6. Date on which mediation was concluded: _____

7. Please summarize the actions or occurrences giving rise to your complaint. Explain in what way you believe your rights under the EDR or EEO Plan were violated. Identify all persons who participated in this matter or who can provide relevant information concerning your complaint. (attach additional pages if needed.)

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

8. What corrective action do you seek from your complaint?

9. Do you have an attorney or any other person who represents you in this matter? If yes, please provide the following information concerning that person:

Name: _____

Mailing address: _____

Work Phone No. (____) _____

Fax No. (____) _____

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

Complainant's signature

Date