

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK

MEMORANDUM

FROM: Human Resources Office

TO: Incoming Externs, Interns and Volunteers

SUBJECT: Instructions Regarding Paperwork/Background Check

This memo is intended to accompany each packet sent to incoming externs, interns or volunteers to assist in completion of the required forms prior to starting their assignment.

The forms included in this packet must be completed by the individual and returned to the Human Resources Department in advance of the start of his/her assignment. This will allow for the required criminal background check to be completed prior to the start date. Pursuant to the Court's security policy, individuals will not be allowed to begin their duties or receive an identification badge until the criminal background check has been completed. It takes at minimum approximately **3-4** weeks for a background check to be completed. Therefore, **please return the completed documents as soon as possible.**

The forms with instructions are listed below:

- **Criminal Background Check Form** – This form needs to be completed by the individual as soon as possible before his/her start date. *It is imperative that a clear copy of two forms of identification are included.* Examples of acceptable forms of identification include a Driver's License, Social Security card, an unexpired U.S. Passport and Birth Certificate.
- **Fingerprint Form** – All externs, interns and volunteers must be fingerprinted in advance of their start date with the Court. Manual fingerprinting services can be provided by law enforcement agencies as well as other businesses and can be easily located through an internet search. **PLEASE DO NOT SUBMIT ELECTRONICALLY VIA LIVESCAN. The completed fingerprint form must be included with the rest of the materials returned to the Human Resources Department as soon as possible.** Please do not wait until your first day to submit your fingerprints as this will delay the clearance from being received in a timely manner. **Identification cards WILL NOT be issued without background clearance.** (If you are unable to find a location that will allow you to get fingerprints due to COVID-19, please contact HR).
- **Current Address Form** – This form is completed by the individual.
- **Employment Eligibility Verification (I-9)** – The individual is to complete section one only. **IMPORTANT:** You must provide one document from List A **OR** one document each from List B **and** List C. See page with the List of Acceptable Documents attached.
- **Acknowledgment of Gratuitous Service and Waiver** – Form is completed by the individual. If the individual is not receiving a stipend and/or educational credit for their services, please complete form AO 196A. If the individual is in a cooperative education agreement receiving a stipend and/or educational credit from their institution, please complete the corresponding form (AO 196B).

- **United States Court Appointment** – The individual must fill out his/her full legal name, date of entrance on duty (start date), duty station (city where externship, internship or volunteer assignment will take place), legal name in section B and sign as the appointee. The oath will be administered either in chambers or in the Human Resources office prior to commencing the assignment.
- **Ninth Circuit Employment Dispute Resolution Policy and Commitment to a Fair and Respectful Workplace (EDR Policy)** – The individual reads and keeps for future reference.

ACKNOWLEDGEMENT FORMS:

- **Computer Security Manual** – The individual completes and submits the last page (receipt) but keeps the booklet. The job title should be included as “Extern, Intern or Volunteer” dependent on assignment. Do not be concerned about including phone numbers or log-in information but do include the judge’s or supervisor’s name.
- **Internet Access Agreement** – The individual completes and submits the last page (receipt) but keeps the booklet. *Include the judge/supervisor name under “Department.”*
- **Confidentiality Statement** – The individual must sign the back page and return it along with the other documents.
- **Social Media Policy** – Memorandum from the Chief Judge explaining the Court policy on the use of social media. The individual completes and submits the last page (acknowledgment) but keeps the memorandum.
- **Code of Conduct** - The Code of Conduct applies to all employees of the judicial branch including interns, externs, and other volunteer court employees. The individual completes and submits the acknowledgment page but keeps the policy information.
- **Disclosure Policy and Statement** – The individual completes and submits the last page (receipt) but keeps the policy.

All completed documents must be returned to the Human Resources office via email to lisa_lyons@cacd.uscourts.gov. The completed fingerprint card must be mailed to the Human Resources office. The address is:

U.S. District Court
 Human Resources
 255 E. Temple Street, Room 346
 Los Angeles, CA 90012

NOTE TO EXTERNS: If directed to return the completed packet and fingerprints to chambers, please do so and chambers staff will forward the documents to the Human Resources Office for processing.

If you have any questions, please call the Human Resources Office at (213) 894-2356.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

INTERN I.D. CARD APPLICATION / BACKGROUND CHECK

Name: _____

Current Address: _____

Telephone Number: _____

Social Security Card Number _____ (photo copy attached)

Driver's License Number _____ (photo copy attached)

Birth date: _____

Prior Names: _____

Department: _____

Anticipated ending date: _____

School Intern attending: _____

I agree to having a background investigation done prior to being issued an Identification (I.D.) Card by the U.S. District Court. I further agree to surrender any I.D. Card issued to me to the Clerk of Court at the end of my internship with the court.

Dated: _____
Signature

Note: This form and photocopies of your Social Security Card and Driver's license must be sent to Human Resources, 255 East Temple Street, Suite 1178, Los Angeles, CA 90012, as soon as possible, but no later than two (2) months prior to your starting date.

APPLICANT

* See Privacy Act Notice on Back

LEAVE BLANK

TYPE OR PRINT ALL INFORMATION IN BLACK

FBI LEAVE BLANK

LAST NAME NAM FIRST NAME MIDDLE NAME

ALIASES AKA O R I

FD-258 (Rev. 9-9-13) 1110-0046

SIGNATURE OF PERSON FINGERPRINTED

RESIDENCE OF PERSON FINGERPRINTED

DATE OF BIRTH DOB
Month Day Year

CITIZENSHIP CTZ SEX RACE HGT. WGT. EYES HAIR PLACE OF BIRTH POB

DATE SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

YOUR NO. OCA

LEAVE BLANK

EMPLOYER AND ADDRESS

FBI NO. FBI

CLASS

ARMED FORCES NO. MNU

REASON FINGERPRINTED

SOCIAL SECURITY NO. SOC

REF.

MISCELLANEOUS NO. MNU

1. R. THUMB

2. R. INDEX

3. R. MIDDLE

4. R. RING

5. R. LITTLE

6. L. THUMB

7. L. INDEX

8. L. MIDDLE

9. L. RING

10. L. LITTLE

LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

L. THUMB

R. THUMB

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

**FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
CJIS DIVISION/CLARKSBURG, WV 26306**

1. LOOP

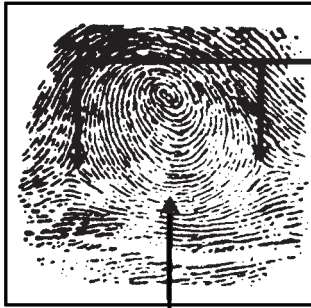


CENTER OF LOOP

DELTA

THE LINES BETWEEN CENTER OF LOOP AND DELTA MUST SHOW

2. WHORL



DELTA

THESE LINES RUNNING BETWEEN DELTAS MUST BE CLEAR

3. ARCH



ARCHES HAVE NO DELTAS

APPLICANT

THIS CARD FOR USE BY:

1. LAW ENFORCEMENT AGENCIES IN FINGERPRINTING APPLICANTS FOR LAW ENFORCEMENT POSITIONS.*
2. OFFICIALS OF STATE AND LOCAL GOVERNMENTS FOR PURPOSES OF EMPLOYMENT, LICENSING, AND PERMITS, AS AUTHORIZED BY STATE STATUTES AND APPROVED BY THE ATTORNEY GENERAL OF THE UNITED STATES. LOCAL AND COUNTY ORDINANCES, UNLESS SPECIFICALLY BASED ON APPLICABLE STATE STATUTES DO NOT SATISFY THIS REQUIREMENT.*
3. U.S. GOVERNMENT AGENCIES AND OTHER ENTITIES REQUIRED BY FEDERAL LAW.**
4. OFFICIALS OF FEDERALLY CHARTERED OR INSURED BANKING INSTITUTIONS TO PROMOTE OR MAINTAIN THE SECURITY OF THOSE INSTITUTIONS.

Please review this helpful information to aid in the successful processing of hard copy criminal and civil fingerprint submissions in order to prevent delays or rejections. Hard copy fingerprint submissions must meet specific criteria for processing by the Federal Bureau of Investigation.

- Ensure all information is typed or legibly printed using blue or black ink.
- Enter data within the boundaries of the designated field or block.
- Complete all required fields. (If a required field is left blank, the fingerprint card may be immediately rejected without further processing.)
- The required fields for hard copy fingerprint cards are: originating agency identifier number - date of birth - place of birth - name - sex fingerprint impressions - any applicable state stamp - Other (race, height, weight, eye color, hair color)

* criminal fingerprint cards also require an arrest charge and date of arrest.
* civil fingerprint cards also require a reason fingerprinted and date fingerprinted

Do not use highlighters on fingerprint cards.
Do not enter data or labels within 'Leave Blank' areas.
Ensure the 'Reply Desired' field is checked when applicable (criminal only).
Ensure fingerprint impressions are rolled completely from nail to nail.
Ensure fingerprint impressions are in the correct sequence.
Ensure notations are made for any missing fingerprint impression (i.e. amputation).
Do not use more than two rebats per fingerprint impression block.
Ensure no stray marks are within the fingerprint impression blocks.

Training aids can be ordered online via the Internet by accessing the FBI's website at: fbi.gov, click on 'Fingerprints', then click on 'Ordering Fingerprint Cards & Training Aids'. Direct questions to the Identification and Investigative Services Section's Customer Service Group at (304) 625-5590 or by e-mail at claisan@leo.gov.

PRIVACY ACT STATEMENT

Authority: The FBI's acquisition, preservation, and exchange of IDENTIFICATION INFORMATION is generally authorized under 5 U.S.C. 552a. Depending on the nature of your application, supplemental authorities include Federal statutes, 6 state statutes, 16 state laws, 92-544, Presidential Executive Orders, 28 CFR, 16 CFR, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 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2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 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3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 33

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

EMERGENCY CONTACT AND MEDICAL INFORMATION

PLEASE TYPE OR PRINT CLEARLY WHEN COMPLETING THIS INFORMATION

CURRENT ADDRESS

EMPLOYEE NAME		DATE OF BIRTH
STREET ADDRESS		APARTMENT NUMBER
CITY	STATE	ZIP CODE
HOME TELEPHONE	WORK TELEPHONE	EXTENSION OR DEPARTMENT
OPTIONAL: CELL PHONE NUMBER	OPTIONAL: PERSONAL E-MAIL ADDRESS(S) (TO BE USED IN AN EMERGENCY)	

LIST ANY MEDICAL INFORMATION (INCLUDING ALLERGIES OR DISABILITIES) WHICH MAY ASSIST US IN THE EVENT OF AN EMERGENCY:

EMERGENCY CONTACT

PLEASE MAKE SURE THAT THE PERSON TO BE NOTIFIED IN CASE OF AN EMERGENCY MAY BE REACHED DURING **REGULAR BUSINESS HOURS**. IF THE PERSON IS REGULARLY EMPLOYED, PLEASE PROVIDE A WORK TELEPHONE NUMBER AS WELL AS A HOME TELEPHONE NUMBER.

NAME		RELATIONSHIP
STREET ADDRESS		APARTMENT NUMBER
CITY	STATE	ZIP CODE
HOME TELEPHONE	WORK TELEPHONE	EXTENSION OR DEPARTMENT

OUT OF STATE CONTACT

NAME		RELATIONSHIP
STREET ADDRESS		APARTMENT NUMBER
CITY	STATE	ZIP CODE
HOME TELEPHONE	WORK TELEPHONE	EXTENSION OR DEPARTMENT

PHYSICIAN INFORMATION

NAME		TELEPHONE NUMBER
STREET ADDRESS		SUITE
CITY	STATE	ZIP CODE

Date Signed

Signature of Employee



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 10/31/2022

▶ **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation *(Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)*

Last Name <i>(Family Name)</i>		First Name <i>(Given Name)</i>		Middle Initial	Other Last Names Used <i>(if any)</i>	
Address <i>(Street Number and Name)</i>			Apt. Number	City or Town		State
Date of Birth <i>(mm/dd/yyyy)</i>		U.S. Social Security Number		Employee's E-mail Address		Employee's Telephone Number
		[][] - [][] - [][][][]				

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input type="checkbox"/> 1. A citizen of the United States	
<input type="checkbox"/> 2. A noncitizen national of the United States <i>(See instructions)</i>	
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____	
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. <i>(See instructions)</i>	
<p><i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i></p> <p>1. Alien Registration Number/USCIS Number: _____ OR 2. Form I-94 Admission Number: _____ OR 3. Foreign Passport Number: _____ Country of Issuance: _____</p>	
QR Code - Section 1 Do Not Write In This Space	

Signature of Employee	Today's Date <i>(mm/dd/yyyy)</i>
-----------------------	----------------------------------

Preparer and/or Translator Certification (check one):
 I did not use a preparer or translator. A preparer(s) and/or translator(s) assisted the employee in completing Section 1.
(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Today's Date <i>(mm/dd/yyyy)</i>	
Last Name <i>(Family Name)</i>		First Name <i>(Given Name)</i>	
Address <i>(Street Number and Name)</i>		City or Town	State
			ZIP Code



Employer Completes Next Page





Employment Eligibility Verification
Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-9
 OMB No. 1615-0047
 Expires 10/31/2022

Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
-------------------------------------	-------------------------	-------------------------	------	--------------------------------

List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title		Document Title		Document Title
Issuing Authority		Issuing Authority		Issuing Authority
Document Number		Document Number		Document Number
Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)
Document Title		<div style="border: 1px solid black; padding: 5px;"> Additional Information </div>		<div style="border: 1px solid black; padding: 5px; text-align: center;"> QR Code - Sections 2 & 3 Do Not Write In This Space </div>
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment (mm/dd/yyyy): _____ (See instructions for exemptions)

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Title of Employer or Authorized Representative		
Last Name of Employer or Authorized Representative	First Name of Employer or Authorized Representative	Employer's Business or Organization Name		
Employer's Business or Organization Address (Street Number and Name)		City or Town	State	ZIP Code

Section 3. Reverification and Rehires *(To be completed and signed by employer or authorized representative.)*

A. New Name (if applicable)			B. Date of Rehire (if applicable)	
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)	

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)
----------------	-----------------	---------------------------------------

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative
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LISTS OF ACCEPTABLE DOCUMENTS

All documents must be UNEXPIRED

Employees may present one selection from List A
or a combination of one selection from List B and one selection from List C.

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
<ol style="list-style-type: none"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI 	OR	<ol style="list-style-type: none"> 1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority <li style="text-align: center;">For persons under age 18 who are unable to present a document listed above: 10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record 	AND	<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240) 3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 4. Native American tribal document 5. U.S. Citizen ID Card (Form I-197) 6. Identification Card for Use of Resident Citizen in the United States (Form I-179) 7. Employment authorization document issued by the Department of Homeland Security

Examples of many of these documents appear in the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.

ACKNOWLEDGMENT OF GRATUITOUS SERVICES AND WAIVER

I, _____, hereby declare that my services to be performed from approximately _____ to _____ in the capacity of _____ to _____

in the United States _____ (*court or office*) are to be solely as a volunteer. I hereby waive any claim or right to receive salary or other compensation in consideration for the performance of duties assigned by _____.

I acknowledge that I am not entitled to receive civil service retirement credit or other related personnel benefits as a consequence of this voluntary employment, except that in the event of any personal injury incurred by me, I shall have those rights to compensation, if any, which may be provided by statute to persons rendering voluntary services to the United States. I further recognize that, as an employee of the United States, I retain no personal copyright privileges in any work product prepared by me in the course of this employment. Finally, I recognize that information which I obtain or to which I shall have access in the course of my employment is often of a confidential nature, and I agree to preserve the confidentiality of such information.

Name

Date

Witness

Date

Pursuant to the authority vested in the Director of the Administrative Office of the United States Courts by 28 U.S.C. § 604(a)(17) and by delegation of this authority from the Director, I hereby accept and authorize the utilization of the gratuitous services described above.

Signature of the Court Unit Executive

Date

**ACKNOWLEDGMENT OF GRATUITOUS SERVICES AND WAIVER
Cooperative Education Program**

I, _____ hereby declare that the services I will perform from approximately _____ to _____ for the _____ (court or office) are in connection with my participation in a cooperative educational program with _____. I further understand that _____ is acting solely as a host in this arrangement by providing a work-related educational experience. I hereby waive any claim or right to receive salary or other compensation, including fringe benefits, from the government as a result of my work-training services to _____, except that in the event of any personal injury incurred by me, I shall have those rights to compensation, if any, which may be provided by statute to persons rendering voluntary services to the United States. I further waive all right to any personal copyright privileges in any work product prepared by me in the course of my services to _____. Finally, I recognize that information which I obtain or have access to in the course of this educational experience may be of a confidential nature, and I agree to preserve the confidentiality of such information.

Name

Date

Witness

Date

Pursuant to the authority vested in the Director of the Administrative Office of the United States Courts by 28 U.S.C. § 604(a)(17) and by delegation of this authority from the Director, I hereby accept and authorize the utilization of the gratuitous services described above.

Signature of the Court Unit Executive

Date

United States Courts Appointment

A

Judge's Staff:
___ Yes ___ No

(Name of Court)

is appointed.

(Name of appointee - First, Middle, Last)
(Name will be on records as printed)

(Position title)

(Date of entrance on duty)

(Duty station)

(Vice _____ ; Sep _____
(Previous incumbent) (Mm/dd/yyyy)

(Signature of appointing officer)

(Title of appointing officer)

(Note: Appointing officer, please indicate the grade or level recommended _____)

B

I do solemnly swear (or affirm) that

A. OATH OF OFFICE

I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

B. AFFIDAVIT AS TO STRIKING AGAINST THE GOVERNMENT

I am not participating in any strike against the Government of the United States or any agency thereof, and I will not so participate while an employee of the Government of the United States or any agency thereof.

C. AFFIDAVIT AS TO PURCHASE AND SALE OF OFFICE

I have not, nor has anyone acting in my behalf, given, transferred, promised or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.

D. AFFIDAVIT AS TO EMOLUMENT FROM FOREIGN OFFICE

I will not accept, nor am I accepting any present emolument, office or title, of any kind whatever, from any King, Prince, or foreign state.

E. AFFIDAVIT AS TO PERSONAL HISTORY AND EXPERIENCE AND QUALIFICATIONS STATEMENTS

The information given concerning personal history, experience and qualifications is true and correct to the best of my knowledge and belief.

(Signature of appointee)

Subscribed and sworn (or affirmed) before me this _____ day of _____ 20 _____

in _____, _____
(City) (State)

(Title of official administering the oath)

(Signature of official administering the oath)

(SEAL)

(Note: The words "So help me God" in the oath and the word "swear" wherever it appears above should be stricken out when the appointee elects to affirm rather than swear to the affidavits; only these words may be stricken and only when the appointee elects to affirm the affidavits.)

APPOINTMENT IS NOT COMPLETE UNTIL OATH OF OFFICE IS ADMINISTERED.

**NINTH CIRCUIT
EMPLOYMENT DISPUTE RESOLUTION POLICY**



**Judicial Council Approved: October 22, 2020
Effective date: October 22, 2020**

NINTH CIRCUIT EMPLOYMENT DISPUTE RESOLUTION POLICY

I. INTRODUCTION

The Federal Judiciary is committed to a workplace of respect, civility, fairness, tolerance, and dignity, free of discrimination and harassment. These values are essential to the Judiciary, which holds its Judges and Employees to the highest standards. All Judges and Employees are expected to treat each other accordingly.

This Policy provides options for the reporting and resolution of allegations of wrongful conduct (discrimination, sexual, racial, or other discriminatory harassment, abusive conduct, and retaliation) in the workplace. Early action is the best way to maintain a safe work environment. All Judges, Employing Offices, and Employees have a responsibility to promote workplace civility, prevent harassment or abusive conduct, and to take appropriate action upon receipt of reliable information indicating a likelihood of wrongful conduct under this Policy. *See* Code of Conduct for Judicial Employees, Canon 3(C).

This Policy applies to all Judges, current and former Employees (including all law clerks; chambers employees; paid and unpaid interns, externs, and other volunteers; and probation and pretrial services employees), and applicants for employment who have been interviewed.¹ The following persons cannot seek relief under this Policy: Judges, applicants for judicial appointment, federal public defender employees, Criminal Justice Act panel attorneys and applicants, investigators and service providers, community defender employees, volunteer mediators, and any other non-Employees not specified above. *See* Appendix 1 for full definitions of Judges and Employees. This Policy covers conduct and actions that take place on and off work premises.

II. WRONGFUL CONDUCT

A. This Policy prohibits wrongful conduct that occurs during the period of employment or the interview process (for an applicant).² Wrongful conduct includes:

- Discrimination;
- sexual, racial, and other discriminatory harassment;
- abusive conduct; and
- retaliation (including retaliation as described in the Whistleblower Protection Provision in [*Guide to Judiciary Policy, Vol. 12 § 220.10.20\(c\)*](#)).

¹ Employees of courts within the Ninth Circuit, which have had an EDR Policy specific to their court approved by the Judicial Council of the Ninth Circuit on or after October 22, 2020, are subject to the applicable local court EDR Policy rather than this Ninth Circuit Policy.

² The rights and protections of Chapter 1 of the EEO Policy (Appendix 6) shall apply to Employees.

Wrongful conduct can be verbal, non-verbal, physical, or non-physical.

Wrongful conduct also includes conduct that would violate the following employment laws and policy, as applied to the Judiciary by Judicial Conference policy:

- Title VII, Civil Rights Act of 1964;
- Age Discrimination in Employment Act of 1967;
- Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973;
- Family and Medical Leave Act of 1993;
- Uniformed Services Employment and Reemployment Rights Act of 1994;
- Whistleblower Protection Provision ([Guide, Vol. 12 § 220.10.20\(c\)](#));
- Worker Adjustment and Retraining Notification Act;
- Occupational Safety and Health Act; and
- The Employee Polygraph Protection Act of 1988.

See [Guide, Vol. 12, Ch. 2](#).

B. Discrimination is an adverse employment action that materially affects the terms, conditions, or privileges of employment (such as hiring, firing, failing to promote, or a significant change in benefits) based on the following Protected Categories: race, color, sex, gender, gender identity, gender expression, marital status, pregnancy, parenthood, sexual orientation, religion, creed, ancestry, national origin, citizenship, genetic information, age (40 years and over),³ disability, or service in the uniformed forces.

C. Discriminatory harassment occurs when a person covered by this Policy is subject to discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the employment and create an abusive working environment. Discriminatory harassment includes sexual harassment. Sexual harassment is a form of harassment based on sex or gender.

Examples of conduct that may give rise to discriminatory harassment: racial slurs; derogatory comments about a person's ethnicity, culture, or foreign accent; or jokes about a person's age, disability, or sexual orientation.

³ The age discrimination provision does not apply to hiring, retirement, or separation of probation and pretrial services officers under 5 U.S.C. chapters 83 and 84.

Examples of conduct that may give rise to sexual harassment: suggestive or obscene notes, emails, text messages, or other types of communications; sexually degrading comments; display of sexually suggestive objects or images; unwelcome or inappropriate touching or physical contact; unwelcome sexual advances or propositions; inappropriate remarks of a sexual nature or about physical appearance; or employment action affected by submission to, or rejection of, sexual advances.

- D. Abusive Conduct** is ordinarily a pattern of demonstrably egregious and hostile conduct *not* based on a Protected Category that unreasonably interferes with an Employee’s work and creates an abusive working environment. Abusive conduct is threatening, oppressive, or intimidating.

Abusive conduct does not include communications and actions conveyed in a respectful manner and reasonably related to performance management, including but not limited to: instruction, corrective criticism, and evaluation; performance improvement plans; duty assignments and changes to duty assignments; office organization; progressive discipline; and adverse action.

- E. Retaliation** is a materially adverse action taken against an Employee for reporting wrongful conduct; for assisting in the defense of rights protected by this Policy; or for opposing wrongful conduct. Retaliation against a person who reveals or reports wrongful conduct is itself wrongful conduct.

III. REPORTING WRONGFUL CONDUCT

The Judiciary encourages early reporting and action on wrongful conduct. Employees who experience, observe, or learn of reliable evidence of sexual, racial, or other discriminatory harassment or abusive conduct are strongly encouraged to take appropriate action, including reporting it to a supervisor, human resources professional, Unit Executive, Employment Dispute Resolution (“EDR”) Coordinator,⁴ Chief Judge, Chief Circuit Judge, the Office of Workplace Relations, or to the national Office of Judicial Integrity. *See* Code of Conduct for Judicial Employees, Canon 3(C). Employees are also encouraged to report wrongful conduct in the workplace by non-Employees. Court and chambers’ confidentiality requirements do not prevent any Employee—including law clerks—from revealing or reporting wrongful conduct by any person.

⁴ A staff member of the Office of Workplace Relations may function as an EDR Coordinator to provide all the Options for Resolution (*see* Appendix 1).

IV. OPTIONS FOR RESOLUTION

The Judiciary's goal is to address wrongful conduct as soon as possible and to provide multiple, flexible options for doing so. An Employee is always free to address a conduct issue directly with the person who allegedly committed wrongful conduct or to contact a colleague, supervisor, Unit Executive, Judge, Chief Judge, or other individual to discuss or address the situation. This Policy provides the following additional options, and Employees may choose the option(s) that best fit their needs and comfort level.

A. Policy Options. This Policy provides three options to address wrongful conduct, as explained in detail below:

- 1. Informal Advice**
- 2. Assisted Resolution**
- 3. Formal Complaint**

B. General Rights. All options for resolution are intended to respect the privacy of all involved to the greatest extent possible, and to protect the fairness and thoroughness of the process by which allegations of wrongful conduct are initiated, investigated, and ultimately resolved.

- 1. Confidentiality.** All individuals involved in the processes under this Policy must protect the confidentiality of the allegations of wrongful conduct. Information will be shared only to the extent necessary and only with those whose involvement is necessary to address the situation. An assurance of confidentiality must yield when there is reliable information of wrongful conduct that threatens the safety or security of any person or that is serious or egregious such that it threatens the integrity of the Judiciary.

No person in the role of EDR Coordinator, the Office of Workplace Relations, or the Office of Judicial Integrity shall be compelled to disclose any conversations, testify, or provide information obtained through Informal Advice except as described in § IV.B.1.

Any persons or Party involved in mediation or settlement discussion under §§ IV.C.2. or IV.C.3.f.iii. of this Policy shall not disclose any information or records obtained during the mediation or settlement process except as necessary to consult with the Party or Parties involved. Records made of mediation discussions, including notes and documents provided in preparation for mediation, are strictly confidential and will not be filed with

the EDR Coordinator, Office of Workplace Relations, or Office of Judicial Integrity (*see* § V.B.).

Confidentiality obligations in the *Code of Conduct for Judicial Employees* concerning use or disclosure of confidential information received in the course of official duties do not prevent nor should they discourage Employees from reporting or disclosing wrongful conduct, including sexual, racial, or other forms of discriminatory harassment by a Judge, supervisor, or other person.

Supervisors, Unit Executives, and Judges must take appropriate action when they learn of reliable information of wrongful conduct, such as sexual, racial, or other discriminatory harassment, which may include informing the appropriate Chief Judge.

2. **Impartiality.** All investigations, hearings, and other processes under this Policy must be conducted in a fair and impartial manner. The EDR Coordinator, the Office of Workplace Relations, and the Presiding Judicial Officer must be impartial and may not act as an advocate for either Party. The EDR Coordinator, staff member of the Office of Workplace Relations, or Presiding Judicial Officer must recuse if they participated in, witnessed, or were otherwise involved with the conduct or employment action giving rise to the claim. Recusal of these individuals is also required if the matter creates an actual conflict or the appearance of a conflict.
3. **Right to representation.** Both the Employee and the Employing Office responsible for providing any remedy have the right to be represented by an attorney or other person of their choice at their own expense. Another Employee may assist the Employee or Employing Office if doing so will not constitute a conflict of interest or unduly interfere with the Employee's duties, as determined by the assisting Employee's appointing officer.
4. **Interim Relief.** An Employee, including a law clerk or other chambers employee, who pursues any of the options under this Policy may request transfer, an alternative work arrangement, or administrative leave if the Employee alleges egregious conduct by a supervisor, Unit Executive, or Judge that makes it untenable to continue working for that person. Any such request must be made to the Unit Executive or Chief Judge, as appropriate, to determine appropriate interim relief, if any, taking into consideration the impact on any Employing Office.

5. **Allegations Regarding a Judge.** An Employee alleging that a Judge has engaged in wrongful conduct may use any of the options for resolution as set forth in Section C. An Employee may also file a complaint under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364.

C. Specific Options

1. **Informal Advice.** An Employee may contact an EDR Coordinator, the Office of Workplace Relations, or the national Office of Judicial Integrity for confidential advice and guidance (*see* § IV.B.1) about a range of topics including:

- the rights and protections afforded under this Policy, the Judicial Conduct and Disability Act, and any other processes;
- providing perspective on conduct described, including whether it violates the Policy;
- ways to respond to wrongful conduct as it is happening; and/or
- options for addressing the conduct, such as informal resolution, participating in Assisted Resolution, or pursuing a Formal Complaint under this Policy, the Judicial Conduct and Disability Act, or any other processes.

2. **Assisted Resolution.** Assisted Resolution is an interactive, flexible process that may include:

- discussing the matter with the person whose behavior is of concern;
- conducting a preliminary investigation including interviewing persons alleged to have violated rights under this Policy and witnesses to the conduct;
- engaging in voluntary mediation between the persons involved; and/or
- resolving the matter by agreement.

- a. To pursue this option, an Employee must contact an EDR Coordinator or the Office of Workplace Relations and complete a “Request for Assisted Resolution” (Appendix 2).⁵ An Employee asserting any claim of abusive conduct

⁵ When an Employee completes a Request for Assisted Resolution form and chooses to use a local EDR Coordinator to facilitate resolution, the local EDR Coordinator must notify the Office of Workplace Relations of the request.

is strongly encouraged to use Assisted Resolution before filing a Formal Complaint but is not required to do so. Filing a Request for Assisted Resolution does not toll (extend) the time for filing a Formal Complaint under § IV.C.3 unless one of the Parties requests, and the Chief Judge or Presiding Judicial Officer grants, an extension of time for good cause, as permitted in § IV.C.3.a.

b. If the allegations concern the conduct of a Judge, the Chief Judge of the appropriate district, bankruptcy, or circuit Court must be notified and will be responsible for coordinating any Assisted Resolution and/or taking any other action required or appropriate under the circumstances. *See, e.g.*, Rules for Judicial-Conduct and Judicial-Disability Proceedings.

c. If the allegations concern the conduct of an Employee, the EDR Coordinator or the Office of Workplace Relations will coordinate Assisted Resolution and must notify the appropriate Unit Executive(s). The Unit Executive is responsible for assessing the allegation(s) and taking appropriate steps to resolve the matter. If the allegations concern the conduct of a Unit Executive, the EDR Coordinator or the Office of Workplace Relations must notify the Chief Judge, who is responsible for assessing the allegation(s) and addressing the matter as appropriate.

d. The Unit Executive or Chief Judge responsible for assessing the allegations, as indicated in (b) and (c) above, may deny the Request for Assisted Resolution at any time if they were to conclude it is frivolous; it does not allege violations of the rights or protections in this Policy; the alleged conduct arises out of the same facts and circumstances, and was resolved by, a previous EDR Complaint or other claim process or procedure; or on other appropriate grounds.

e. If Assisted Resolution is successful in resolving the matter, the Parties will so acknowledge in writing.

f. If Assisted Resolution is not successful in resolving the matter, the EDR Coordinator or the Office of Workplace Relations will advise the Employee of the Employee's rights to file a Formal Complaint and/or pursue action under the Judicial Conduct and Disability Act, if applicable, or any other processes.

The Office of Workplace Relations may serve as a resource for the EDR Coordinator to facilitate resolution at the EDR Coordinator's request.

When an Employee completes a Request for Assisted Resolution form and chooses to use the Office of Workplace Relations to facilitate the resolution, the Office of Workplace Relations may notify the local EDR Coordinator when appropriate or upon request of the Employee.

3. Filing a Formal Complaint. An Employee may file a Formal Complaint (“Complaint”) with any of the Court’s EDR Coordinators or the Office of Workplace Relations to address a claim of wrongful conduct.⁶

a. To file a Complaint, an Employee must submit a “Formal Complaint” (Appendix 3) to any of the Court’s EDR Coordinators or the Office of Workplace Relations within 180 days of the alleged wrongful conduct or within 180 days of the time the Employee becomes aware or reasonably should have become aware of such wrongful conduct. Use of the Informal Advice or Assisted Resolution options does not toll (extend) this 180-day deadline unless the Chief Judge of the Court or the Presiding Judicial Officer grants an extension of time for good cause.

b. An Employee asserting any claim of abusive conduct is strongly encouraged to use Assisted Resolution before filing a Formal Complaint but is not required to do so.

c. The Employee filing the Complaint is called the Complainant. The Party responding to the Complaint is the Employing Office that is responsible for providing any appropriate remedy and is called the Respondent. The Complaint is not filed against any specific individual(s) but against the Employing Office.

d. Complaint Regarding a Judge. An Employee alleging that a Judge has engaged in wrongful conduct may file a Complaint under this Policy. For Complaints against Judges, the Presiding Judicial Officer is the Chief Circuit Judge or a designee. If the Chief Circuit Judge is the subject of the Complaint, the Circuit Judge who is next in precedence to become Chief Circuit Judge pursuant to 28 U.S.C. § 45, shall designate an alternative Presiding Judicial Officer to oversee the hearing process. The EDR Coordinator must immediately provide a copy of the Complaint to the Chief Circuit Judge (or the next Circuit Judge in precedence to become Chief Circuit Judge, if the allegation is against the Chief Circuit Judge) , who will oversee the EDR Complaint process. If a District, Magistrate, or Bankruptcy Judge is the subject of the Complaint, the EDR Coordinator must also provide a copy of the Complaint to the Chief District Judge, and to the Chief Bankruptcy Judge if a Bankruptcy Judge is the subject of the Complaint (unless the Chief District Judge or Chief Bankruptcy Judge is the subject of the Complaint, in which case the Complaint would not be given to that Judge).

⁶ When an Employee files a Formal Complaint form with a local EDR Coordinator, the local EDR Coordinator must notify the Office of Workplace Relations of the Complaint. The Office of Workplace Relations may serve as a resource for the EDR Coordinator upon the EDR Coordinator’s request.

When an Employee files a Formal Complaint form with the Office of Workplace Relations, the Office of Workplace Relations may notify the local EDR Coordinator when appropriate or upon request of the Employee.

If a Judge becomes the subject of both a Complaint under this Policy and a complaint under the Judicial Conduct and Disability Act, the Chief Circuit Judge will determine the appropriate procedure for addressing both, which may include holding the EDR claim in abeyance and determining how best to find any common issues of fact, subject to all requirements of the Judicial Conduct and Disability Act, the Rules for Judicial-Conduct and Judicial-Disability Proceedings, and, as practicable, this EDR Policy. Regardless of whether there is a formal complaint under the Judicial Conduct and Disability Act, the Chief Circuit Judge should consider the need for any necessary or appropriate interim relief.

e. Formal Complaint Procedures and Procedural Rights

i. *Appointment of Presiding Judicial Officer.* Upon receipt of a Complaint, the EDR Coordinator will immediately send a copy of the Complaint to the Chief Judge of the Court, who will appoint a Presiding Judicial Officer. The Presiding Judicial Officer will be a Judge in the Court or, when appropriate, a Judge from another Court (with the consent of the respective Chief Judge of that Court).

ii. *Presiding Judicial Officer.* The Presiding Judicial Officer oversees the Complaint proceeding. The Presiding Judicial Officer will provide a copy of the Complaint to the head of the Employing Office against which the Complaint has been filed (Respondent), except when the Presiding Judicial Officer determines for good cause that the circumstances dictate otherwise. The Presiding Judicial Officer must provide the individual alleged to have violated rights under this Policy notice that a Complaint has been filed and the nature and substance of the Complaint allegations.

The Presiding Judicial Officer will provide for appropriate investigation and discovery, allow for settlement discussions,⁷ and determine any written submissions to be provided to the Parties, determine if a hearing is needed, determine the time, date, and place of the hearing, issue a written decision, and, if warranted, order remedies.

iii. *Disqualification and Replacement.* Either Party may seek disqualification of the EDR Coordinator or the Presiding Judicial Officer by

⁷ The Employing Office may request in writing a stay, or the Presiding Judicial Officer may on the Presiding Judicial Officer's own initiative stay a Formal Complaint proceeding up to 60 days (unless extended for good cause), if the Employing Office asserts that there has been no prior opportunity to address the conduct alleged. The Presiding Judicial Officer will determine whether to grant the stay after providing the Complainant an opportunity to respond. A stay in the proceedings can provide the Employing Office an opportunity to assess the allegations and take appropriate action. If the matter is successfully resolved, the Parties may enter into an agreed written settlement approved by the Presiding Judicial Officer pursuant to § IV.C.3.f.iii. If the matter is not resolved during the stay, the stay of proceedings will be lifted, and the Formal Complaint will proceed under § IV.C.3.

written request to the Chief Judge, explaining why the individual should be disqualified.

If the Presiding Judicial Officer is disqualified, the Chief Judge will designate another Judge to serve as Presiding Judicial Officer. If the EDR Coordinator is disqualified, the Chief Judge will appoint one of the alternate EDR Coordinators or, if available, an EDR Coordinator from another Court (with the consent of the respective Chief Judge of that Court).

iv. *Response.* The Respondent may file a Response to the Complaint with the EDR Coordinator within **30 days** of receiving the Complaint. The EDR Coordinator must immediately send the Response to the Presiding Judicial Officer and to the Complainant.

v. *Investigation and Discovery.* The Presiding Judicial Officer will ensure that the allegations are impartially and fairly investigated, and may use outside trained investigators if warranted. The investigation may include interviews with persons alleged to have violated rights under this Policy and witnesses, review of relevant records, and collecting documents or other records. The Presiding Judicial Officer will provide for such discovery to the Complainant and Respondent as is necessary and appropriate. The Presiding Judicial Officer will also determine what evidence and written arguments, if any, are necessary for a fair and complete assessment of the allegations and response.

vi. *Case preparation.* The Complainant may use official time to prepare their case, so long as it does not unduly interfere with the performance of duties.

vii. *Extensions of time.* Any request for an extension of time must be in writing. The Presiding Judicial Officer may extend any of the deadlines set forth in this EDR Policy for good cause, except for the deadline to issue a written decision, which may only be extended by the Chief Judge.

viii. *Established Precedent.* In reaching a decision, the Presiding Judicial Officer should be guided by judicial and administrative decisions under relevant rules and statutes, as appropriate. The Federal Rules of Evidence and any federal procedural rules do not apply.

ix. *Notice of Written Decision.* The EDR Coordinator or Presiding Judicial Officer will immediately send a copy of the written decision to the Parties, the Chief Judge of the Court, and to any individual alleged to have

violated rights protected by this Policy. The EDR Coordinator will inform the Parties of appeal rights, procedures, and deadlines.

f. Resolution of Complaint Without a Hearing. After notifying the Parties and giving them an opportunity to respond, the Presiding Judicial Officer may resolve the matter without a hearing.

i. The Presiding Judicial Officer may dismiss a Complaint and issue a written decision at any time in the proceedings on the grounds that: it is untimely filed, is frivolous, fails to state a claim, or does not allege violations of the rights or protections in this Policy; the alleged conduct arises out of the same facts and circumstances, and was resolved by, a previous EDR Complaint or other claim process or procedure; or on other appropriate grounds.

ii. After completion of investigation and discovery, the Presiding Judicial Officer may, on the Presiding Judicial Officer's own initiative or at the request of either Party, issue a written decision if the Presiding Judicial Officer determines that no relevant facts are in dispute and that one of the Parties is entitled to a favorable decision on the undisputed facts.

iii. The Parties may enter into an agreed written settlement if approved in writing by the Presiding Judicial Officer and the Chief Judge.

g. Resolution of Complaint With a Hearing. If the Complaint is not resolved in its entirety by dismissal, Assisted Resolution, decision without a hearing, or settlement, the Presiding Judicial Officer will order a hearing on the merits of the Complaint.

i. *Hearing.* The hearing will be held no later than **60 days** after the filing of the Complaint unless the Presiding Judicial Officer extends the deadline for good cause. The Presiding Judicial Officer will determine the place and manner of the hearing.

ii. *Notice.* The Presiding Judicial Officer must provide reasonable notice of the hearing date, time, and place to the Complainant, the Respondent, and any individual(s) alleged to have violated the Complainant's rights.

iii. *Right to Present Evidence.* The Complainant and Respondent have the right to present witnesses and documentary evidence and to examine adverse witnesses, subject to the discretion of the Presiding Judicial Officer.

vi. *Record of Proceedings.* A verbatim record of the hearing must be made and will be the official record of the proceeding. This may be a digital recording or a transcript.

v. *Written Decision.* The Presiding Judicial Officer will make findings of fact and conclusions of law and issue a written decision no later than **60 days** after the conclusion of the hearing, unless an extension for good cause is granted by the Chief Judge.

h. Remedies. When the Presiding Judicial Officer finds that the Complainant has established by a preponderance of the evidence (more likely than not) that a substantive right protected by this Policy has been violated, the Presiding Judicial Officer may direct the Employing Office to provide remedies for the Complainant. The remedies are limited to providing relief to the Complainant, should be tailored as closely as possible to the specific violation(s) found, and take into consideration the impact on any Employing Office. The Chief Judge and Employing Office (Respondent) must take appropriate action to carry out the remedies ordered in the written decision, subject to any applicable policies or procedures.

i. *Allowable Remedies* may include:

- placement of the Complainant in a position previously denied;
- placement of the Complainant in a comparable alternative position;
- reinstatement to a position from which the Complainant was previously removed;
- prospective promotion of the Complainant;
- priority consideration of the Complainant for a future promotion or position;
- back pay and associated benefits, when the statutory criteria of the Back Pay Act are satisfied⁸;
- records modification and/or expungement;
- granting of family and medical leave;
- any reasonable accommodation(s); and
- any other appropriate remedy to address the wrongful conduct.⁹

⁸ *Back Pay Act.* Remedies under the Back Pay Act, including attorney's fees, may be ordered only when the statutory criteria of the Back Pay Act are satisfied, which include: (1) a finding of an unjustified or unwarranted personnel action; (2) by an appropriate authority; (3) which resulted in the withdrawal or reduction of all or part of the Employee's pay, allowances, or differentials. An order of back pay is subject to review and approval by the Director of the Administrative Office of the United States Courts. See 5 U.S.C. § 5596 (b)(1) and [Guide, Vol. 12, § 690](#).

⁹ The issue in an EDR Complaint is whether the Employing Office is responsible for the alleged conduct; it is not an action against any individual. The Presiding Judicial Officer lacks authority to impose disciplinary or similar action

ii. *Unavailable Remedies.* Other than under the Back Pay Act, monetary damages are not available. The Presiding Judicial Officer may award attorney's fees only if the statutory requirements under the Back Pay Act are satisfied.

i. **Review of Decision (Appeal).** The Complainant and/or the Respondent may appeal the decision to the Judicial Council of the Ninth Circuit by submitting in writing a Petition for Review of Decision setting forth the grounds for appeal within **30 days** of the date of the decision under procedures established by the Judicial Council of the Ninth Circuit (Appendix 4). The EDR Coordinator will inform the Parties of the procedures for seeking review. The decision will be reviewed based on the record created by the Presiding Judicial Officer and will be affirmed if supported by substantial evidence and the proper application of legal principles.

V. COURT AND EMPLOYING OFFICE OBLIGATIONS

To ensure that Employees are aware of the options provided by this Policy, and that the Policy is effectively implemented, Courts and Employing Offices must adhere to the following:

- A. Adopt and Implement EDR Policy.** All Courts must adopt and implement an EDR Policy based on this EDR Policy. Courts may join with others to adopt consolidated EDR Policies. Any modification of this EDR Policy (1) may expand, but should not diminish or curtail, any of the rights or remedies afforded Employees under this EDR Policy, and (2) must be approved by the Judicial Council of the Ninth Circuit. A copy of each EDR Policy and any subsequent modifications must be filed with the Administrative Office.
- B. Records.** At the conclusion of informal or formal proceedings under this Policy, all papers, files, and reports will be filed with the EDR Coordinator and the Office

against an individual. When there has been a finding of wrongful conduct in an EDR proceeding, an appointing official, or official with delegated authority, should separately assess whether further action, in accordance with any applicable policies and procedures, is necessary to correct and prevent wrongful conduct and promote appropriate workplace behavior, such as:

- requiring counseling or training;
- ordering no contact with the Complainant;
- reassigning or transferring an Employee;
- reprimanding the Employee who engaged in wrongful conduct;
- issuing a suspension, probation, or demotion of the Employee who engaged in wrongful conduct; and/or
- terminating employment for the Employee who engaged in wrongful conduct.

of Workplace Relations. No papers, files or reports relating to an EDR matter will be filed in any Employee's personnel folder, except as necessary to implement an official personnel action.

Final decisions under this Policy will be made available to the public, appropriately redacted, in accordance with procedures established by the Judicial Council of the Ninth Circuit. The Presiding Judicial Officer should make a recommendation on whether a final decision should be public.

- C. EDR Coordinators.** The Chief Judge will designate both a primary EDR Coordinator and, if available, at least one alternate EDR Coordinator for the Court.¹⁰ A Court may use an EDR Coordinator from another Court, or may use the Office of Workplace Relations as an alternate EDR Coordinator, if necessary, with the approval of the appropriate Chief Judge. An Employee may choose the EDR Coordinator with whom the Employee wishes to seek Informal Advice, request Assisted Resolution, or file a Complaint under this EDR Policy.

An EDR Coordinator must be an Employee who is not a Unit Executive. A Judge may not be an EDR Coordinator. All EDR Coordinators must be trained and certified as set forth in the EDR Interpretive Guide and Handbook.

- D. Advising Employees of their Rights.** Courts and Employing Offices must:

1. prominently post on their internal and external main homepages a direct link labeled "Your Employee Rights and How to Report Wrongful Conduct," to:
 - the entire EDR Policy with all Appendices and relevant contact information;
 - the Judicial Conduct and Disability Act, the Rules for Judicial-Conduct and Judicial-Disability Proceedings, and the Judicial Conduct and Disability Complaint form; and
 - contact information for all the Court's EDR Coordinators, the Office of Workplace Relations, and the national Office of Judicial Integrity (internal homepage only).

¹⁰ A team of EDR Coordinators or multiple EDR Coordinators would satisfy the requirement to designate a primary and alternate EDR Coordinator.

2. prominently display in the workplace:
 - the posters set forth in Appendix 5; and
 - an Anti-Discrimination and Harassment Notice that: (a) states that discrimination or harassment based on race, color, sex, gender, gender identity, gender expression, marital status, pregnancy, parenthood, sexual orientation, religion, creed, ancestry, national origin, citizenship, genetic information, age (40 years and over), disability, or service in the uniformed forces is prohibited; (b) explains that Employees can report, resolve, and seek remedies for discrimination, harassment, or other wrongful conduct under the EDR Policy by contacting any of the Court's EDR Coordinators and/or the Office of Workplace Relations, and/or the national Office of Judicial Integrity; (c) identifies the names and contact information of all Court EDR Coordinators, the Office of Workplace Relations, and the national Office of Judicial Integrity; and (d) states where the EDR Policy can be located on the Court's website.
3. ensure that each new Employee receives an electronic or paper copy of the EDR Policy and acknowledge in writing that the Employee has read the Policy; and
4. conduct training annually for all Judges and Employees, including chambers staff, to ensure that they are aware of the rights and obligations under the EDR Policy and the options available for reporting wrongful conduct and seeking relief.

E. Reporting. Courts and Employing Offices will provide annually, to the Administrative Office of the United States, data on: (1) the number and types of alleged violations for which Assisted Resolution was requested, and for each matter, whether it was resolved or was also the subject of a Complaint under this Policy or other complaint; (2) the number and type of alleged violations for which Complaints under this Policy were filed; (3) the resolution of each Complaint under this Policy (dismissed or settled prior to a decision, or decided with or without a hearing); and (4) the rights under this Policy that were found by decision to have been violated. Courts and Employing Offices should also provide any information that may be helpful in identifying the conditions that may have enabled wrongful conduct or prevented its discovery, and what precautionary or curative steps should be undertaken to prevent its recurrence.

F. Appendices Attached:

1. Definitions
2. Request for Assisted Resolution
3. Formal Complaint Form
4. Procedures for Review of EDR Presiding Judicial Officer Decision by the Executive Committee of the Judicial Council of the Ninth Circuit (Appeal)
5. Posters
6. Ninth Circuit Equal Employment Opportunity (EEO) Policy

This Policy supersedes all prior Equal Employment Opportunity and Employment Dispute Resolution Policies.

Effective date: October 22, 2020

DEFINITIONS APPENDIX 1

Office of Workplace Relations: The Office of Workplace Relations serves the Ninth Circuit and includes the Director of Workplace Relations. The Office coordinates workplace conduct issues and the implementation of all Court EDR Policies within the circuit. The scope of duties generally may include: provide Informal Advice, coordinate Assisted Resolution, and assist with the Formal Complaint process under any EDR Policy within the circuit; assist in training the EDR Coordinators within the circuit; provide or arrange for training throughout the circuit on workplace conduct, discrimination, and sexual harassment; and collect and analyze statistical data and other information relevant to workplace conduct matters. A staff member of the Office of Workplace Relations may function as an EDR Coordinator and provide all Options for Resolution for Employees.

Court: The Court (Court of Appeals, District Courts, Bankruptcy Courts, Court of Federal Claims and Court of International Trade, or of any Court created by an Act of Congress in a territory that is invested with any jurisdiction of a District Court of the United States) in which the Employing Office that would be responsible for ordering redress, correction, or abatement of a violation of rights under this EDR Policy is located. In the case of disputes involving probation and pretrial services, “Court” refers to the appropriate District Court.

EDR Coordinator: A Court Employee or staff member of the Office of Workplace Relations, other than a Judge or Unit Executive, designated by the Chief Judge to coordinate all of the Options for Resolution provided for in this Policy. The EDR Coordinator provides confidential advice and guidance (*see* § IV.B.1.) if an Employee seeks Informal Advice; coordinates the Assisted Resolution process, including any necessary investigation; accepts Complaints under this Policy for filing; and assists the Presiding Judicial Officer in the Complaint proceeding, as directed. The EDR Coordinator maintains and preserves all Court files pertaining to matters initiated and processed under this EDR Policy. The EDR Coordinator assists the Court in meeting its obligations under this Policy to train and advise employees of their rights under this Policy, and to post the Policy as directed. Additional information on the EDR Coordinator’s responsibilities may be found in the EDR Interpretive Guide and Handbook.

Employee: All employees of a Court. This includes Unit Executives and their staffs; judicial assistants and other chambers employees; law clerks; and chief probation officers and chief pretrial services officers and their respective staffs; court reporters appointed by a Court; and paid and unpaid interns, externs, and other volunteer employees.

Employing Office/Respondent: The office of the Court that is responsible for providing any appropriate remedy. The Court is the Employing Office of Judges and chambers employees.

Judge: A judge appointed under Article III of the Constitution, a United States bankruptcy judge, a United States magistrate judge, a judge of the Court of Federal Claims, a judge of the Court of International Trade, or a judge of any Court created by an Act of Congress in a territory that is invested with any jurisdiction of a district court of the United States.

Office of Judicial Integrity: The office of the Administrative Office of the United States Courts staffed to provide advice and guidance to Employees nationwide about workplace conduct issues, including sexual, racial, and other discriminatory harassment, abusive conduct and other wrongful conduct. Contact information for the Office of Judicial Integrity can be found on JNet and on uscourts.gov.

Parties: The Employing Office and the Employee who has filed a request for Assisted Resolution or a Formal Complaint.

Protected Category: Race, color, sex, gender, gender identity, gender expression, marital status, pregnancy, parenthood, sexual orientation, religion, creed, ancestry, national origin, citizenship, genetic information, age (40 years and over),¹¹ disability, or service in the uniformed forces.

Unit Executive: Circuit Executive, district court executive, clerk of court, chief probation officer, chief pretrial services officer, bankruptcy administrator, bankruptcy appellate panel clerk, senior staff attorney, chief preargument/conference attorney/circuit mediator, or circuit librarian.

¹¹ The age discrimination provision does not apply to hiring, retirement, or separation of probation and pretrial services officers under 5 U.S.C. chapters 83 and 84.

**REQUEST FOR ASSISTED RESOLUTION
APPENDIX 2**

***USE OF ASSISTED RESOLUTION DOES NOT EXTEND THE 180-DAY
DEADLINE TO FILE A FORMAL COMPLAINT UNLESS THE DEADLINE IS
EXTENDED UNDER THE EDR POLICY § IV.C.3.a.***

Submitted under the Procedures of the Ninth Circuit Employment Dispute Resolution
Policy

Court: _____

Full name of person submitting the form: _____

Your mailing address: _____

Your email address: _____

Your phone number(s): _____

Office in which you are employed or applied to: _____

Name and address of Employing Office from which you seek assistance (*if the matter involves a judge or chambers employee, the Employing Office is the Court*):

Your job title/job title applied for: _____

Date of interview (*for interviewed applicants only*): _____

Date(s) of alleged incident(s) for which you seek Assisted Resolution:

Summary of the actions or occurrences for which you seek Assisted Resolution (*attach additional pages as needed*):

Names and contact information of witnesses to the actions or occurrences for which you seek Assisted Resolution:

Describe the assistance or corrective action you seek:

Alleged Wrongful Conduct for which you seek Assisted Resolution (*check all that apply*):

Discrimination based on (*check all that apply*):

- Race
- Color
- Sex
- Gender
- Gender identity
- Gender expression
- Marital status
- Pregnancy
- Parenthood
- Sexual orientation
- Religion
- Creed
- Ancestry
- National origin
- Citizenship
- Genetic information
- Age
- Disability
- Service in the uniformed forces

Harassment based on (*check all that apply*):

- Race
- Color
- Sex
- Gender
- Gender identity
- Gender expression
- Marital status
- Pregnancy
- Parenthood
- Sexual orientation
- Religion
- Creed
- Ancestry
- National origin
- Citizenship
- Genetic information
- Age
- Disability
- Service in the uniformed forces

- Abusive Conduct
- Retaliation
- Whistleblower Protection
- Family and Medical Leave

- Uniform Services Employment and Reemployment Rights
- Worker Adjustment and Retraining

- Occupational Safety and Health
- Polygraph Protection
- Other (describe)

Do you have an attorney or other person who represents you?

Yes

Please provide name, mailing address, email address, and phone number(s):

No

I acknowledge that this Request will be kept confidential to the extent possible, but information may be shared to the extent necessary and with those whose involvement is necessary to resolve this matter, as explained in the EDR Policy (*see* EDR Policy § IV.B.1).

Your signature _____

Date submitted _____

Request for Assisted Resolution reviewed by EDR Coordinator/Director of Workplace Relations on _____

EDR Coordinator/Director of Workplace Relations name _____

EDR Coordinator/Director of Workplace Relations signature _____

Local Court Claim ID (Court Initials–AR–YY–Sequential Number): _____

**FORMAL COMPLAINT FORM
APPENDIX 3**

Submitted under the Procedures of the Ninth Circuit Employment Dispute Resolution
Policy

Court: _____

Full name of person submitting the form (Complainant): _____

Your mailing address: _____

Your email address: _____

Your phone number(s): _____

Office in which you are employed or applied to: _____

Name and address of Employing Office from which you seek a remedy (*if the matter involves a judge or chambers employee, the Employing Office is the Court*):

Your job title/job title applied for: _____

Date of interview (*for interviewed applicants only*): _____

Date(s) of alleged incident(s) for which you seek a remedy:

Summary of the actions or occurrences giving rise to the Complaint (*attach additional pages as needed*):

Describe the remedy or corrective action you seek (*attach additional pages as needed*):

Identify, and provide contact information for, any persons who were involved in this matter, who were witnesses to the actions or occurrences, or who can provide relevant information concerning the Complaint (*attach additional pages as needed*):

Identify the Wrongful Conduct that you believe occurred (*check all that apply*):

Discrimination based on (*check all that apply*):

- Race
- Color
- Sex
- Gender
- Gender identity
- Gender expression
- Marital status
- Pregnancy
- Parenthood
- Sexual orientation
- Religion
- Creed
- Ancestry
- National origin
- Citizenship
- Genetic information
- Age
- Disability
- Service in the uniformed forces

Harassment based on (*check all that apply*):

- Race
- Color
- Sex
- Gender
- Gender identity
- Gender expression
- Marital status
- Pregnancy
- Parenthood
- Sexual orientation
- Religion
- Creed
- Ancestry
- National origin
- Citizenship
- Genetic information
- Age
- Disability
- Service in the uniformed forces

Abusive Conduct

Retaliation

Whistleblower Protection

Family and Medical Leave

Uniform Services Employment and Reemployment Rights

Worker Adjustment and Retraining

Occupational Safety and Health

Polygraph Protection

Other (describe)

Date on which Assisted Resolution was requested: _____

Date on which Assisted Resolution concluded: _____

Do you have an attorney who represents you?

Yes

Please provide name, mailing address, email address, and phone number(s):

No

I have attached copy(ies) of any documents that relate to my Complaint (such as emails, notices of discipline or termination, job application, etc.)

I acknowledge that this Complaint will be kept confidential to the extent possible, but information may be shared to the extent necessary and with those whose involvement is necessary to resolve this matter, as explained in the EDR Policy (*see* EDR Policy § IV.B.1).

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

Complainant signature _____

Date submitted _____

Complaint reviewed by EDR Coordinator/Director of Workplace Relations on _____

EDR Coordinator/Director of Workplace Relations name _____

EDR Coordinator/Director of Workplace Relations signature _____

Local Court Claim ID (Court Initials–FC–YY–Sequential Number): _____

**PROCEDURES FOR REVIEW OF EDR PRESIDING JUDICIAL OFFICER
DECISION BY THE EXECUTIVE COMMITTEE OF THE JUDICIAL COUNCIL
OF THE NINTH CIRCUIT (APPEAL)
APPENDIX 4**

I. Scope of the Rules

These rules govern procedures for petitioning for review a decision, or summary dismissal of a Ninth Circuit Employment Dispute Resolution Policy Complaint rendered by a Presiding Judicial Officer (*see* § IV.C.3.e.ii). Such review is conducted by the Executive Committee of the Judicial Council of the Ninth Circuit (“Executive Committee”).

II. Filing Petition for Review

A. Filing the Petition for Review. A Party aggrieved by the final decision of the Presiding Judicial Officer or by summary dismissal of a Complaint, may petition for review of that decision or summary dismissal by filing a Petition for Review (“Petition”) to which is attached a copy of the decision of the Presiding Judicial Officer (or copy of the summary dismissal).

B. Form of Petition and Supporting Arguments. The Petition shall be in accordance with Form 1, which follows these procedures. 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, singled-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 Office of Workplace Relations at the following address:

Office of Workplace Relations
P.O. Box 193939
San Francisco, CA 94119

Parcel Delivery
Office of Workplace Relations
95 Seventh Street
San Francisco, CA 94103

The Petition may also be emailed to the Office of Workplace Relations at workplacedirector@ce9.uscourts.gov.

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 Presiding Judicial 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 Presiding Judicial 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 the 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 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 writing 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 final decision or summary dismissal of the Presiding Judicial 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 to not 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.

Attachment: Sample Petition for Review to the Executive Committee of the Judicial Council of the Ninth Circuit from Presiding Judicial Officer's Decision
[see next page for Form 1]

Name of Petitioning Party or Counsel

Address

Telephone #

Fax #

Email

Name of Court in Which Presiding Judicial Officer's Final Decision Was Issued

A.B., Petitioner

v.

C.D., Respondent

Petition for Review of Decision in (or
Summary Dismissal of Employment
Dispute Resolution Policy Complaint

Notice is hereby given that (name of Party petitioning for review), (Petitioner) in the above named case, hereby Petition for Review to the Executive Committee of the Judicial Council of the Ninth Circuit from the final decision (or summary dismissal of the Complaint) by Judge (name of Presiding Judicial Officer) entered in this matter action on the _____ day of _____, (20__).

Attached to this Petition is a copy of the Presiding Judicial Officer's Final Decision (or summary dismissal of the Complaint).

The basis(es) of this Petition for Review is (reason why review is requested—this basis(es) may be included as an attachment).

Submitted on this ____ day of _____, (20__).

(s) _____
(Representing name of Party)

Approved by the Ninth Circuit Judicial Council on _____.

POSTERS
APPENDIX 5

How to Address Wrongful Conduct in the Workplace

INFORMAL ADVICE

To request advice about a workplace concern, contact your Employment Dispute Resolution (EDR) coordinator, Circuit Director of Workplace Relations, or the Office of Judicial Integrity. They can provide you with advice and guidance on how to address the issue including:

- Your rights under the EDR Policy
- Advice on handling discriminatory, harassing, or abusive conduct
- Options for addressing the conduct



ASSISTED RESOLUTION

Contact an EDR Coordinator or Circuit Director of Workplace Relations to request Assisted Resolution. This interactive, flexible process may include:

- Discussions with the source of the conduct
- Preliminary investigation, including interviewing witnesses
- Resolving the matter by agreement



FORMAL COMPLAINT

Contact an EDR coordinator to file a formal complaint. The Complaint must be filed within **180 days** of the alleged violation or the discovery of the violation. This formal process includes:

- Appointment of Presiding Judicial Officer
- An investigation and/or hearing if appropriate
- Written decision
- Appeal rights



Contact Information:

Office of Workplace Relations
(415) 355-8914
workplacedirector@ce9.uscourts.gov

National Office of Judicial Integrity
Jill Langley, Judicial Integrity Officer
202-502-1604
AO_OJI@ao.uscourts.gov

Confidentiality

All options for resolution are intended to respect privacy of all involved to the greatest extent possible, and to protect the fairness and thoroughness of the process by which allegations of wrongful conduct are initiated, investigated, and ultimately resolved.



Your Rights

In a Federal Judiciary Workplace

Employees of the Federal Judiciary are protected by the employment rights listed below, as described in *Guide to Judiciary Policy*, Vol. 12, Ch. 2.

Employees have options for resolution, including Informal Advice, Assisted Resolution, and filing a Formal Complaint. Formal Complaints must be filed within 180 days of when the Employee knew or should have known of the alleged violation. More information, including a list of court EDR Coordinators, can be found on JNet.

Employees may confidentially report workplace discrimination, harassment, abusive behavior, or retaliation to an EDR Coordinator, Office of Workplace Relations, or the Judicial Integrity Officer, Jill B. Langley, at 202-502-1604.

Protection from Unlawful Discrimination

Prohibits discrimination in personnel actions based on race, color, sex, gender, gender identity, gender expression, marital status, pregnancy, parenthood, sexual orientation, religion, creed, ancestry, national origin, citizenship, genetic information, age (40+), disability, service in the uniformed forces.

Protection from Harassment

Prohibits sexual harassment, discriminatory harassment, and abusive conduct.

Protection for Exercising Workplace Rights

Prohibits intimidation, retaliation, or discrimination against employees who exercise their employment rights or report or oppose wrongful conduct, including **whistleblower protection**.

Family and Medical Leave

Provides rights and protections for employees needing leave for specified family and medical reasons.

Protection for Veterans and Members of the Uniformed Services

Protects employees performing service in the uniformed services from discrimination and provides certain benefits and reemployment rights.

Notification of Office Closings and Mass Layoffs

Under certain circumstances, requires that employees be notified of an office closing or of a mass layoff at least 60 days in advance of the event.

Hazard-Free Workspaces

Requires employing offices to comply with occupational safety and health standards, and provide workplaces free of recognized hazards.

Polygraph Testing Prohibition

Restricts the use and the results of polygraph testing.

These rights are fully explained in Guide to Judiciary Policy, Vol. 12, Ch. 2.

The Employment Dispute Resolution Formal Complaint Process

File a Complaint

File a complaint with an EDR coordinator within **180 days** of the conduct (or discovery of the conduct).



Gather Information

The Presiding Judicial Officer decides what investigation and discovery are needed and if written arguments are needed.



Hearing

The Presiding Judicial Officer determines if a hearing is needed.



DECISION



RIGHTS

- An impartial investigation and/or hearing, if appropriate.
- Both parties may use a representative or attorney (at own expense).
- Both parties may present witnesses and examine adverse witnesses.
- A prompt written decision by a Presiding Judicial Officer.

Appeal



Parties have the right to appeal to the circuit judicial council within 30 days of a decision.

NINTH CIRCUIT EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY APPENDIX 6

I. Statement of Policy

Each Court and court unit will promote equal employment opportunity to all persons or classes of persons regardless of their race, sex, gender, gender identity, gender expression, marital status, pregnancy, sexual orientation, religion, creed, ancestry, national origin, citizenship, genetic information, age,¹² disability, or service in the uniformed forces, in addition to any other status or characteristic protected under applicable federal law. All facets of employment such as recruitment, hiring, work assignments, compensation, benefits, education, disciplinary actions, terminations, training, promotion, advancement, and supervision are included in the EEO Policy. Each Unit Executive will promote a Court or office environment free of discrimination and harassment. Along with Employees (as defined in the EDR Policy), applicants for employment and former employees are covered by this EEO Policy. All Complaints under this EEO Policy shall be covered by the procedures in § IV.C.3. of the Ninth Circuit Employment Dispute Resolution Policy.

Unit Executives must ensure that appropriate vacancies (with the exception of chambers law clerk and judicial assistant vacancies) are publicly announced to attract candidates who represent the make-up of persons available in the relevant job market and that all hiring and other employment decisions are based solely on job-related factors. Job postings may be published solely to internal staff in certain circumstances, such as budgetary constraints; career ladder promotions; reassignments; and accretion of duties. 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.

II. Annual Report

Unit Executives must submit an annual report to the Chief Circuit Judge. The report will describe any significant achievements in providing equal employment opportunities, identify areas where improvements are needed, and explain factors inhibiting achievement of equal employment opportunity objectives. The report will be the same report as that submitted annually to the Administrative Office of the United States Courts.

¹² The age discrimination provision does not apply to hiring, retirement, or separation of probation and pretrial services officers under 5 U.S.C. chapters 83 and 84.

III. Objectives

When the Unit Executive deems it necessary or desirable, the Unit Executive will develop annual objectives that reflect improvements needed in recruitment, hiring, promotions, and advancement, and will prepare a specific plan (report) explaining how those objectives will be achieved.

IV. Distribution and Public Notice

Copies of this EEO Policy shall be made available to all Employees and furnished, upon request, to applicants for positions of employment.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**



COMPUTER SECURITY MANUAL

Automation Usage and Security Procedures

The purpose of this document is to acquaint automation users with automation usage and security practices required by the Administrative Office of the United States Courts (AO).

Whereas, staff is the first and best line of protection from compromise of data on the various computer systems, all chambers and clerk's office users are responsible for applying the concepts and policies in this document while performing the tasks that relate to their jobs.

Passwords

Sensitive and confidential information require protection from disclosure, alteration and loss. An important part of this protection is through password protection.

The password policy is as follows:

- Novell passwords must be at least seven characters and must contain at least one non-alphanumeric character; they must not be all alphabetic characters. Novell passwords must be changed every 90 days. The network will automatically notify and prompt users when it is time to change Novell passwords.

SAMPLE: wt29?mp

- Lotus Notes e-mail passwords have the same requirements as Novell passwords: a minimum of 7 characters including at least one non-alphanumeric character. The passwords expire every 180 days with a grace login period of 15 days. Users will be informed of the expiration and asked to change their password. These requirements also apply to the Lotus Notes Internet password. Lotus notes will also determine the "strength" of your password and, if it is not "strong" enough, you will be prompted to choose a different password.
- Lotus Organizer Passwords, if used, may be the same as the Lotus Notes password.

- CM/ECF and CHASER passwords must be at least seven characters and must contain one numeric character. CM/ECF and CHASER passwords must be changed every 90 days. The computer will automatically prompt users when it is time to change CM/ECF and CHASER passwords.

SAMPLE: **xu29pwq**

- Users may not use Novell and CM/ECF passwords that are identical.
- Passwords may not be single, meaningful words (words found in a dictionary), family names, birthdays, nicknames, place names or simple alphanumeric sets like "WXYZ" or "2468".
- Passwords may not be a user's name or login name.
- Passwords may not be a name or word with the order of the letters reversed.
- Passwords may not consist of a single, meaningful word with a number following it.
- Passwords may not be changed by merely adding or increasing a number.
- If passwords are "rotated," use at least 5 different passwords.
- Passwords must not be written down, posted in work areas, shared with others (including IT staff) unless required for relief coverage.

If you suspect a breach of security, change your password immediately and notify the IT department for assistance.

Passwords are monitored by IT for compliance with this policy.

Automation Usage and Security Procedures

Protection of Data Files and Court Information

The policy regarding protection of data files and court information is as follows:

- Make a back-up copy of all important files. Making back-up copies of important computer files is the single most important action to protect information from loss or unauthorized modification.
- If data is stored on the network, it will be automatically backed-up on a daily basis. It is recommended that sensitive and important documents stored on the network also be backed-up to the hard disk (C: drive). This provides security and access to the data in the event the network is not available.
- It is strongly recommended that users do not work from floppy disks. Copy files to the network (H: or S: drives), retrieve and modify the document, re-save it with the changes, and then copy the revised document back to the floppy disk. This will ensure that the data is stored in a secure manner.
- Protect sensitive data; printouts and program documentation with sensitive information should not left in plain sight. Sensitive information can be described as names, addresses, social security numbers and other information that can lead to identity theft. Budget and accounting material, benefit information and salary data, sealed cases, juvenile cases and draft legal opinions should also be considered as sensitive information. Any media used to store the information, whether it is paper, internal hard disks, external disks, Zip disks, CDs, DVDs, USB storage devices is susceptible to theft and should be password protected when possible.
- Teleworkers have the added responsibility of protecting judiciary information in a temporary work space, which can be a less secure environment than an office. The Court's telework policy states that teleworkers are responsible for the security and protection of all government records and data against unauthorized disclosure.

- Protect data; external storage devices left out and/or unlabeled may be picked up and used by others.

Immediately report loss of data or court information to the IT department for assistance.

Software Policies

The software policy is as follows:

- In accordance with General Order No. 96-8, no personal software may be installed by a user on a court computer unless the software is approved, purchased and installed by the IT department.
- All copyright laws, regulations and policies will be strictly enforced; no outside software will be loaded without the prior authorization of the IT department.
- All standard computer configurations will be in compliance with the AO guidelines. Requests to modify the standard configurations due to unique needs must be directed to the IT department.
- The IT department will maintain an updated list of all software currently under license for the Court.

Copyright and License Agreements

Software copyright and license agreements exist on almost all commercial software products:

- Do not bring unauthorized or personal software to work.
- Unauthorized reproduction of copyrighted software or documentation is against the law.
- Penalties for violation of copyright and license agreements include compensatory damages levied up to \$100,000 per unauthorized copy and, under certain circumstances, individuals can be sentenced to up to five years in prison and fined \$250,000.

Automation Usage and Security Procedures

Internet and Intranet Access

The Internet and Intranet policies are as follows:

- Internet access is authorized for all district and magistrate judges, and judicial staff as approved by their respective judge. Internet access is authorized for clerk's office staff as approved by the Clerk of Court.
- Use of the Internet services provided by the Court is subject to monitoring. Users of these services are therefore advised of this monitoring and agree to the practice. This monitoring may include a review of internet e:mail messages sent and received, and which Internet resources and sites are accessed.
- By participating in the use of the Internet systems provided by the Court, Users agree to be subject to and abide by the Court's Judicial and Clerk's Office Employee Internet Access Agreements. Willful violation of the general or specific provisions of the Internet Access Agreement Policy may result in disciplinary action, including termination.
- Intranet access is authorized to any federal court family WEB page or to the AO.

Virus Protection

A virus can be introduced into the Court System in a variety of ways:

- Software used at home but brought into the office by an employee may be infected and may infect office computers and/or the network.
- A program may be infected intentionally by a disgruntled employee, member of the computer user group or computer shareware organization.
- Viruses may be downloaded, directly or indirectly, from published bulletin boards.

- Viruses may also be introduced to computers from commercial software companies whose production facilities are infected.

There is no real, practical way to completely prevent computers from being attacked. To minimize exposure to viruses, follow the rules below:

- All new software, diskettes and files should be tested with a virus scanning program. Request help from the IT department if you need assistance with this process.
- Write-protect diskettes, especially original software distribution diskettes, and store them securely.
- Do not share diskettes unless they were previously scanned for viruses.
- Do not load programs from outside the Court or download programs from computer bulletin boards unless authorized by IT staff.
- Do not disable the virus scanning software that is installed on the computer system.

If a virus is introduced into the network or local computers, one or more of the following items may be noticed:

- Hard disk crashes,
- Files disappear,
- Files replicate unaccountably,
- Mystery file(s) appear,
- Data is changed or corrupted,
- Disk space mysteriously disappears,
- Memory capacity is reduced,
- Computer slows down or locks up, and
- Strange messages appear on the monitor.

Users can help identify the cause by:

- Staying calm,
- Discontinuing use of the computer,
- Writing down exactly what happened and what tasks you were performing, and
- Immediately calling the IT department to report the incident.

If a virus is located and removed, stay alert for reinfection.

Personal Computer Protection

Users must protect desktop computer equipment as follows:

- Protect equipment; keep food, drink and electrical appliances away from computers, diskettes and computer keyboard.
- Protect work areas; politely challenge anyone that is not recognized as belonging in the work area.

Electronic Mail

The policy regarding electronic mail (Lotus Notes) is as follows:

- Electronic mail from the Court's private data communication network is the property of the Court.
- Electronic mail from the Court's private data communication network should be primarily for official use; access to personal Internet web e-mail accounts is prohibited.
- Electronic mail may be monitored or accessed by management for various purposes (including backups).
- Before sending Electronic mail, staff should consider whether the message is essential or productive.

- Users are responsible for the maintenance of their e-mail. Due to a size limit of 450 MB, users should regularly clean up their in-boxes and sent mail folders by deleting messages or archiving.
- Electronic mail will not be used for the distribution of “chain letters.”
- Electronic mail will not be used for the distribution of “jokes.”
- Electronic mail will not be utilized for the forwarding of non-business related messages with attachments from outside sources, including Executable files that have extensions (*.exe) and Image files (graphical), that have extensions (*.bmp, *.jpg, *.gif, *.tif).

If you have any doubts about the appropriateness of any electronic mail communication, seek the guidance of your supervisor or manager prior to transmission.

Screen Savers

Screen saver programs protect unauthorized access to data while users are away from their desks.

The policy for screen saver programs is as follows:

- Screen saver programs are required for all staff; they must not be turned off for any reason.
- The maximum activation time for screen savers will be no more than 10 minutes.

Automation Usage and Security Procedures

General Automation Policies

All judicial and clerk's office staff are required to comply with the general policies outlined below. Noncompliance with these policies may result in immediate disciplinary action which may include suspension or termination.

- Do not write or send abusive e-mail messages.
- Do not swear, use vulgarities or any other inappropriate language in electronic mail.
- Creation, transmission or publication of any obscene, indecent images, data or materials is prohibited.
- Using the network in such a way that would disrupt the use of the network by other users is prohibited.
- Any malicious attempt to harm or destroy data, hardware or software is prohibited.
- Browsing, exploring or making other unauthorized attempts to view data, files or directories belonging to other users is prohibited.
- Forging mail, attempting to use other users' accounts, attempting to crack password files, attempting to alter system files, and similar misbehavior is prohibited.
- Do not remove from the Court premises any computer equipment.
- Do not move or disconnect any computer equipment; contact the IT department for hardware relocation.
- No personal computer equipment shall be connected to the Court's network.
- Blogging in support of activities that are illegal, offensive or disparaging to fellow employees, the public or the judiciary, or that gives the impression of pronouncing official judicial policy is prohibited.

Automation Usage and Security Procedures

Acknowledgment of Receipt

1. I acknowledge that I have received and read the Automation Usage and Security Procedures for the United States District Court, Central District of California.
2. I acknowledge that it is my responsibility to conform to the standards and procedures outlined in this document.
3. I certify that I will abide by the policies outlined in this document.
4. I understand that non-compliance with the policies outlined in this document may result in disciplinary action which may include suspension or termination.

Printed Name

Signature

Title

Date

Judicial Chambers of Department

Telephone Number

Novell Login ID (not password)

CM/ECF Login ID (not password)

Supervisor's Name

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**



**CLERK'S OFFICE EMPLOYEE
INTERNET ACCESS AGREEMENT**

General Provisions

In compliance with Judicial Conference Policy regarding Internet access for computers connected to the Data Communications Network (DCN), the following general and specific provisions apply to all clerk's office employees of the Central District of California:

1. Use of the public Internet network accessed via computer gateways owned or operated on the behalf of the United States District Court for the Central District of California ("the Court"), imposes certain responsibilities and obligations on Court employees and officials ("Users"), and is subject to Court policies and local, state and federal laws. Acceptable use is ethical, reflects honesty, and shows restraint in the consumption of shared computing resources. It demonstrates respect for intellectual property, ownership of information, system security mechanisms, and an individual's right to freedom from harassment and unwarranted annoyance.
2. Use of the Internet services provided by the Court is subject to monitoring. Users of these services are therefore advised of this monitoring and agree to this practice. This monitoring may include a review of internet e-mail messages sent and received, and which Internet resources and sites are accessed. Users should further be advised that many external Internet sites also log who accesses their resources, and may make this information available to third parties.
3. By participating in the use of the Internet systems provided by the Court, Users agree to be subject to and abide by this Policy for their use. Willful violation of the general or specific provisions of the Policy may result in disciplinary action, including termination.

Specific Provisions

1. Users will not utilize the Internet network for illegal, unlawful, or unethical purposes or to support or assist such purposes. Examples of this would be the transmission (including uploading or downloading files) or viewing of violent, threatening, defrauding, obscene, or unlawful materials. Creating, downloading, viewing, storing, copying, and transmitting sexually-explicit or sexually-oriented materials is never appropriate and may be illegal in some cases.
2. Users will not utilize the Internet network equipment for partisan political purposes or commercial gain.
3. Unless for official business, judiciary employees should not use the network connection for commercial purposes (including shopping). It is also inappropriate to use the network connection in support of outside employment activities (including consulting for pay, sales or administration of business transactions, and sales of goods or services) or for illegal activities (such as gambling or hacking).
4. Users will not utilize the Internet systems or messaging services to harass, intimidate or otherwise annoy other persons.
5. It is not appropriate to use government systems to send or receive e-mails containing greeting cards, political statements, jokes, pictures, sexually-explicit or sexually-oriented materials and other items of a personal nature. Chain letters or other unauthorized mass mailings, regardless of the subject matter, likewise are inappropriate. Checking personal web e-mail accounts from the Court's private data communications network raises severe security risks locally and judiciary-wide and is prohibited.
6. Users will not utilize the Internet to disrupt other users, services or equipment. Disruptions include, but are not limited to, distribution of unsolicited advertising, propagation of computer viruses, and

sustained high volume network traffic which substantially hinders others in their use of the network. Logging onto video or audio sites, such as broadcast services or radio stations, degrades the performance of the entire network and is prohibited. Downloading music files consumes significant disk space on local computers and may be a violation of copyright law.

7. Users will only utilize the Internet network to access files and data that are their own, that are publicly available, or to which they have authorized access.
8. Because files or matters obtained over the Internet may contain destructive computer viruses that may be harmful to the Court's network, downloading attachments to e-mail or files obtained via the Internet (as opposed from the Intranet or DCN) shall be strictly limited to either: (1) items expressly requested by the Users from known senders, or (2) unrequested files transmitted to Users by known senders. Users shall not download and open any attachments to files, or open any e-mail, that is received or made available to the Users from an unknown Internet source.
9. Users will not remove Court scanning software. If the software is removed or not activated and use of the Internet has been or is being performed, the Users may lose their right to access the Internet and the DCN.
10. Users will refrain from monopolizing systems, overloading networks with excessive data, or otherwise disrupting the network systems for use by others. Video, sound or other large file attachments consume large amounts of network capacity. E-mail attachments, large files, and executable programs present two problems: first, large attachments consume network capacity and storage space on both national and local e-mail servers and desktops, slowing the network down for everyone; and second, executable programs

present a risk for infection by computer viruses.

11. Judiciary employees should only participate in chat rooms when directly relevant to their official duties and responsibilities. All other non-business related chat rooms are prohibited. When participating in a chat room, employees should not inadvertently give the impression of articulating official judiciary policy or positions. The use of peer-to-peer file sharing, chat rooms, and instant messaging for communicating with persons or entities outside the judiciary's private data communications network is prohibited.
12. It is not appropriate to use e-mail or the Internet to access, send or receive information on or in support of activities that are illegal or offensive to fellow employees or the public. Such activities include, but are not limited to, hate speech or material that ridicules others on the basis of race, creed, religion, color, sex, disability, national origin, or sexual orientation.
13. Blogging in support of activities that are illegal, offensive or disparaging to fellow employees, the public or the judiciary, or that gives the impression of pronouncing official judicial policy, is prohibited.

By signing this Agreement, I agree to abide by the general and specific provisions outlined and understand that use of the public Internet is a privilege that can be revoked if improperly used.

Dated

Employee Signature

Print Name

Department

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CONFIDENTIALITY STATEMENT

One of the most important obligations of judicial employees is to ensure that nonpublic information learned in the course of employment is kept confidential. In the performance of job duties, employees may have access to files, records, draft materials, and conversations that are, under the Code of Conduct for Judicial Employees or by practice of the court, confidential. Canon 3D of the Code sets forth the minimum standard:

A judicial employee should avoid making public comment on the merits of a pending or impending action and should require similar restraint by personnel subject to the judicial employee's direction and control. This proscription does not extend to public statements made in the course of official duties or to the explanation of court procedures. A judicial employee should never disclose any confidential information received in the course of official duties except as required in the performance of such duties, nor should a judicial employee employ such information for personal gain. A former judicial employee should observe the same restrictions on disclosure of confidential information that apply to a current judicial employee, except as modified by the appointing authority.

1. Confidential Information

Confidential information means information received in the course of judicial duties that is not public and is not authorized to be made public. This includes information received by the court pursuant to a protective order or under seal; expressly marked or designated by a judge to be kept confidential; or relating to the deliberative processes of the court or an individual judge. Examples of confidential information are:

- (a) the substance of draft opinions or decisions;
- (b) internal memoranda, in draft or final form, prepared in connection with matters before the court;
- (c) the content or occurrence of conversations among judges or between a judge and judicial employees concerning matters before the court;
- (d) the identity of panel members or of the authoring judge before release of this information is authorized by the court;
- (e) the authorship of per curiam opinions or orders;
- (f) the timing of a decision, order, or other judicial action, including the status of or progress on a judicial action not yet finalized (except as authorized in accordance with Section 2.C.);
- (g) views expressed by a judge in the course of discussions about a particular matter before the court; and
- (h) any subject matter the appointing authority has indicated should not be revealed, such as internal office practices, informal court procedures, the content or occurrence of statements or conversations, and actions by a judge or staff.

Information that is not considered confidential includes court rules, published court procedures, public court records including the case docket, and information disclosed in public court documents or proceedings.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CONFIDENTIALITY STATEMENT

2. Nondisclosure

A. Unauthorized disclosure. To promote public confidence in the integrity of the judicial system and to avoid impropriety, illegality, or favoritism, or any appearance thereof, it is critical that confidential information not be disclosed by a judicial employee. No past or present judicial employee may disclose or make available confidential information, except as authorized in accordance with Section 2.C.

B. Inadvertent disclosure. Sometimes breaches of confidentiality do not involve intentional disclosure but are the result of overheard remarks, casual comments, or inadequate shielding of sensitive materials. Judicial employees should take care to prevent inadvertent disclosure of confidential information by avoiding:

- (1) case-related conversations and other discussions of confidential information in public places within the court, such as the library, hallways, elevators, and cafeteria;
- (2) case-related conversations and other discussions of confidential information at bar association meetings, law schools, other gatherings of noncourt persons, or in public places;
- (3) exposure of confidential documents to the view of noncourt persons;
- (4) visible display of confidential documents in public places such as a library, on public transportation, or in a photocopier or scanner to which noncourt persons have access;
- (5) substantive discussions with counsel, litigants, or reporters about the merits of a matter before the court;
- (6) use of writing samples from judicial employment without adequate redaction and approval of the appointing authority; and
- (7) internet and other electronic exchanges (anonymously, pseudonymously, or otherwise) about the court or its cases.

C. Authorized disclosure. Confidential information is authorized to be disclosed in the following circumstances:

- (1) pursuant to a statute, rule, or order of the court, or authorization from the appointing authority;
- (2) pursuant to a valid subpoena issued by a court or other competent body; and
- (3) to report an alleged criminal violation to the appointing authority or other appropriate government or law enforcement official.

D. Continuing obligation. Confidentiality obligations do not end when judicial employment ceases or when a matter is completed or a case is closed. Former judicial employees should observe the same restrictions on disclosure of confidential information that apply to current employees, except as modified in accordance with Section 2.C. Confidentiality restrictions continue to apply with respect to open as well as closed and completed matters.

3. Acknowledgment

To emphasize the importance of the duty of confidentiality, the court asks that you sign this statement as an acknowledgment that you have read it, understand it, and agree to abide by it, and further that you understand violations of these confidentiality obligations may result in disciplinary action.

Signature

Date

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
350 WEST FIRST STREET
LOS ANGELES, CALIFORNIA 90012



CHAMBERS OF
PHILIP S. GUTIERREZ
CHIEF DISTRICT JUDGE

TELEPHONE
213-894-1478
FACSIMILE
213-894-4392

July 28, 2020

MEMORANDUM

To: All Incoming Judicial Assistants, Law Clerks, and Externs

From: Chief Judge Philip S. Gutierrez

Re: **Court Policy on the Use of Social Media**

Attached is the Court's policy on the use of social media by chambers staff. All incoming judicial assistants, law clerks, and externs receive a copy of this policy with the orientation materials provided by the Court's Human Resources department.

Please review this policy, and retain a copy with your Court employment records. In addition, please be advised that each Judge may choose to impose additional policies regarding the use of social media by his or her own chambers staff.

Attachment.

Ninth Circuit Social Media Policy

The challenges and risks of social media are particularly acute for government employees who work in positions where discretion and confidentiality are imperative. Court employees work in such an environment. Court personnel are expected to keep sensitive information confidential, exercise discretion to avoid embarrassment to the Court, and take precautions to avoid unnecessary security risks for court personnel, especially the judges they serve.

The Court and the Judicial Council have set down this series of broad guidelines for court employees to consider as they navigate social media. It is recognized that judges are free to impose separate or additional policies on their personal staff.

1. **Think before you post.** Internet postings—whether they be text, photos, videos, or audio—remain accessible long after they are forgotten by the user. Beyond that, remember that nothing is “private” on the Internet despite people’s best efforts to keep things private. Do not post anything on the Internet that you would not want to see or read on the front page of *The New York Times*. In short, when in doubt, don’t post.
2. **Be aware of what is there.** Some social networking sites allow others to post messages and photos to your “page” – content that you may not even be aware of. If you participate in social networking, check regularly to make sure the content – whether posted by you or others – meets these guidelines.
3. **Speak for yourself, not your institution.** Court employees should abide by a simple rule: Unless you are representing the Court in an official capacity, you should not be speaking for the Court in any manner. Also remember that you are a representative of the Court and should conduct yourself in a way to avoid bringing embarrassment upon yourself and the Court. In the age of Facebook, YouTube and Twitter, many often do not think through the implications of what they post. Users often believe that their postings are private because of a social networking website’s privacy features, or that their comments are untraceable because they were made under a screen name, but this information may not be private and could cause damage to your reputation and the Court’s if it becomes public. If you are not speaking to someone directly or over a secure landline, you must assume that anything you say or write is available for public consumption.
4. **Safety first.** On social networking sites, many individuals list their occupations and/or places of employment. Considering the sensitive nature of the work that we do, Court employees are encouraged to discuss their place of employment in generic terms (federal appellate court) rather than identifying the Ninth Circuit Court of Appeals by name.

5. **Keep secrets secret.** Make sure to abide by all of the court's confidentiality and disclosure provisions. Employees are prohibited from disclosing directly or indirectly sensitive, non-public information to anyone outside the court, including the media and general public. Furthermore, Court employees should refrain from discussing any of the Court's internal processes and procedures, whether they are of a confidential or non-confidential nature.

6. **Remember the Code of Conduct,** including the confidentiality provisions. Any public postings are governed by the *Code of Conduct for Judicial Employees*. As Judiciary employees, we are expected to avoid impropriety and conduct ourselves in a manner that does not detract from the dignity and independence of the judicial system. As such, Judiciary employees are restricted from engaging in partisan political activity and fundraising activities that could compromise judicial independence. Please keep these policies and procedures in mind as you participate on social media sites.

7. **Observe security protocol.** Court employees must also take care to avoid doing anything that would compromise the security of the courthouse and personnel. To maintain security, do not post pictures of the courthouse (inside or outside), events, or the Court's judicial officers to a social media site in a non-official capacity. Also, be careful when disclosing your place of employment: social media sites are notoriously unsecure environments and knowledge of your place of employment could place employees in situations where pressure could be applied on them to corrupt the integrity of the judicial process.

Approved and adopted by the Ninth Circuit Court of Appeals on June 23, 2010

Approved and adopted by the Ninth Circuit Judicial Council on June 24, 2010

Revised 03-2019

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
SOCIAL MEDIA POLICY AND ACKNOWLEDGMENT OF RECEIPT
JUDICIAL STAFF**

1. I acknowledge that I have received and read the Memorandum of the Chief Judge regarding the Court Policy on the Use of Social Media.
2. I acknowledge that it is my responsibility to conform to the standards and procedures outlined in this document.
3. I certify that I will abide by the policies outlined in this document.
4. I understand that non-compliance with the policies outlined in this document may result in disciplinary action which may include suspension or termination.
5. I understand that the judge to whom I report may choose to impose additional policies regarding the use of social media by his or her own chambers staff.

Printed Name

Signature

Title

Date

Supervising Judge

Guide to Judiciary Policy

Vol. 2: Ethics and Judicial Conduct
Pt. A: Codes of Conduct

Ch. 3: Code of Conduct for Judicial Employees

[§ 310 Overview](#)

[§ 310.10 Scope](#)

[§ 310.20 History](#)

[§ 310.30 Definitions](#)

[§ 310.40 Further Guidance](#)

[§ 320 Text of the Code](#)

[Canon 1: A Judicial Employee Should Uphold the Integrity and Independence of the Judiciary and of the Judicial Employee's Office](#)

[Canon 2: A Judicial Employee Should Avoid Impropriety and the Appearance of Impropriety in All Activities](#)

[Canon 3: A Judicial Employee Should Adhere to Appropriate Standards in Performing the Duties of the Office](#)

[Canon 4: In Engaging in Outside Activities, a Judicial Employee Should Avoid the Risk of Conflict with Official Duties, Should Avoid the Appearance of Impropriety, and Should Comply with Disclosure Requirements](#)

[Canon 5: A Judicial Employee Should Refrain from Inappropriate Political Activity](#)

§ 310 Overview

§ 310.10 Scope

- (a) This Code of Conduct applies to all employees of the judicial branch, including interns, externs, and other volunteer court employees, except it does not apply to Justices; judges; and employees of the United States Supreme Court, the Administrative Office of the United States Courts, the Federal Judicial Center, the Sentencing Commission, and federal public defender offices.
- (b) Justices and employees of the Supreme Court are subject to standards established by the Justices of that Court. Judges are subject to the [Code of Conduct for United States Judges \(Guide, Vol. 2A, Ch. 2\)](#). Employees of the AO and the FJC are subject to their respective agency codes. Employees of the Sentencing Commission are subject to standards

established by the Commission. Federal public defender employees are subject to the [Code of Conduct for Federal Public Defender Employees \(Guide, Vol. 2A, Ch. 4\)](#). Intermittent employees [[HR Manual, Sec. 5, Ch. 4.7](#)] are subject to canons 1, 2, and 3 and such other provisions of this code as may be determined by the appointing authority.

- (c) Employees who occupy positions with functions and responsibilities similar to those for a particular position identified in this code should be guided by the standards applicable to that position, even if the position title differs. When in doubt, employees may seek an advisory opinion as to the applicability of specific code provisions.
- (d) Contractors and other nonemployees not covered above who serve the judiciary are not covered by this code, but appointing authorities may impose these or similar ethical standards on such nonemployees, as appropriate.

§ 310.20 History

- (a) With the adoption of the Code of Conduct for Judicial Employees on September 19, 1995, the Judicial Conference repealed the Code of Conduct for Clerks (and Deputy Clerks), the Code of Conduct for United States Probation Officers (and Pretrial Services Officers), the Code of Conduct for Circuit Executives, the Director of the Administrative Office, the Director of the Federal Judicial Center, the Administrative Assistant to the Chief Justice, and All Administrative Office Employees Grade GS-15 and Above, the Code of Conduct for Staff Attorneys of the United States, the Code of Conduct for Federal Public Defenders, and the Code of Conduct for Law Clerks. [JCUS-SEP 95](#), p. 74.
- (b) This Code of Conduct for Judicial Employees took effect on January 1, 1996.
- (c) In March 2001, the Conference revised Canon 3F(4). [JCUS-MAR 01](#), pp. 10-12.
- (d) The Conference revised the following provisions in March 2013: "Scope" (§ 310.10(a) and (d)); "Definitions" (§ 310.30(a)); Canon 1; Canon 3F(2)(a)(ii); Canon 4A; and Canon 5B. [JCUS-MAR 13](#), p. 9.
- (e) The Conference revised the following provisions in March 2019: Canon 3C(1); Canon 3D(2); and Canon 3D(3). [JCUS-MAR 19](#), p. ____.

§ 310.30 Definitions

- (a) Member of a Judge's Personal Staff

As used in this code in canons 3F(2)(b), 3F(5), 4B(2), 4C(1), and 5B, a member of a judge's personal staff means a judge's secretary or judicial assistant, a judge's law clerk, intern, extern, or other volunteer court employee, and a courtroom deputy clerk or court reporter whose assignment with a particular judge is reasonably perceived as being comparable to a member of the judge's personal staff.

(b) Third Degree of Relationship

As used in this code, the third degree of relationship is calculated according to the civil law system to include the following relatives: parent, child, grandparent, grandchild, great grandparent, great grandchild, brother, sister, aunt, uncle, niece and nephew.

§ 310.40 Further Guidance

- (a) The Judicial Conference has authorized its Committee on Codes of Conduct to render advisory opinions concerning the application and interpretation of this code. Employees should consult with their supervisor and/or appointing authority for guidance on questions concerning this code and its applicability before a request for an advisory opinion is made to the Committee on Codes of Conduct.
- (b) In assessing the propriety of one's proposed conduct, a judicial employee should take care to consider all relevant canons in this code, the Ethics Reform Act, and other applicable statutes and regulations (*e.g.*, receipt of a gift may implicate canon 2 as well as canon 4C(2) and the Ethics Reform Act gift regulations).
- (c) Should a question remain after this consultation, the affected judicial employee, or the chief judge, supervisor, or appointing authority of such employee, may request an advisory opinion from the Committee. Requests for advisory opinions may be addressed to the chair of the Committee on Codes of Conduct by email or as follows:

Chair of the Committee on Codes of Conduct
c/o Office of the General Counsel
Administrative Office of the United States Courts
One Columbus Circle, N.E.
Washington, D.C. 20544

§ 320 Text of the Code

Canon 1: A Judicial Employee Should Uphold the Integrity and Independence of the Judiciary and of the Judicial Employee's Office

An independent and honorable Judiciary is indispensable to justice in our society. A judicial employee should personally observe high standards of conduct so that the integrity and independence of the Judiciary are preserved and the judicial employee's office reflects a devotion to serving the public. Judicial employees should require adherence to such standards by personnel subject to their direction and control. The provisions of this code should be construed and applied to further these objectives. The standards of this code do not affect or preclude other more stringent standards required by law, by court order, or by the appointing authority.

Canon 2: A Judicial Employee Should Avoid Impropriety and the Appearance of Impropriety in All Activities

A judicial employee should not engage in any activities that would put into question the propriety of the judicial employee's conduct in carrying out the duties of the office. A judicial employee should not allow family, social, or other relationships to influence official conduct or judgment. A judicial employee should not lend the prestige of the office to advance or to appear to advance the private interests of others. A judicial employee should not use public office for private gain.

Canon 3: A Judicial Employee Should Adhere to Appropriate Standards in Performing the Duties of the Office

In performing the duties prescribed by law, by resolution of the Judicial Conference of the United States, by court order, or by the judicial employee's appointing authority, the following standards apply:

- A. A judicial employee should respect and comply with the law and these canons. A judicial employee should report to the appropriate supervising authority any attempt to induce the judicial employee to violate these canons.

Note: A number of criminal statutes of general applicability govern federal employees' performance of official duties. These include:

- [18 U.S.C. § 201](#) (bribery of public officials and witnesses);
- [18 U.S.C. § 211](#) (acceptance or solicitation to obtain appointive public office);
- [18 U.S.C. § 285](#) (taking or using papers relating to government claims);

- [18 U.S.C. § 287](#) (false, fictitious, or fraudulent claims against the government);
- [18 U.S.C. § 508](#) (counterfeiting or forging transportation requests);
- [18 U.S.C. § 641](#) (embezzlement or conversion of government money, property, or records);
- [18 U.S.C. § 643](#) (failing to account for public money);
- [18 U.S.C. § 798](#) and [50 U.S.C. § 783](#) (disclosure of classified information);
- [18 U.S.C. § 1001](#) (fraud or false statements in a government matter);
- [18 U.S.C. § 1719](#) (misuse of franking privilege);
- [18 U.S.C. § 2071](#) (concealing, removing, or mutilating a public record);
- [31 U.S.C. § 1344](#) (misuse of government vehicle);
- [31 U.S.C. § 3729](#) (false claims against the government).

In addition, provisions of specific applicability to court officers include:

- [18 U.S.C. §§ 153, 154](#) (court officers embezzling or purchasing property from bankruptcy estate);
- [18 U.S.C. § 645](#) (embezzlement and theft by court officers);
- [18 U.S.C. § 646](#) (court officers failing to deposit registry moneys);
- [18 U.S.C. § 647](#) (receiving loans from registry moneys from court officer).

This is not a comprehensive listing but sets forth some of the more significant provisions with which judicial employees should be familiar.

- B. A judicial employee should be faithful to professional standards and maintain competence in the judicial employee's profession.
- C. Standards of Conduct
- (1) A judicial employee should be patient, dignified, respectful, and courteous to all persons with whom the judicial employee deals in an official capacity, including other employees and the general public. A judicial employee should not engage in sexual or other forms of harassment of court employees or retaliate against those who report misconduct. A judicial employee should hold court personnel under the judicial employee's direction to similar standards. A judicial employee should take appropriate action upon receipt of reliable information indicating a likelihood of conduct contravening this Code. Appropriate action depends on the circumstances and may include, for example, reporting such conduct to a supervisor, court executive, or chief judge. For

relevant elaboration, see Code of Conduct for United States Judges, Commentary to Canons 3B(4) and 3B(6).

- (2) A judicial employee should diligently discharge the responsibilities of the office in a prompt, efficient, nondiscriminatory, fair, and professional manner. A judicial employee should never influence or attempt to influence the assignment of cases, or perform any discretionary or ministerial function of the court in a manner that improperly favors any litigant or attorney, nor should a judicial employee imply that he or she is in a position to do so.

D. Duty of Confidentiality

- (1) A judicial employee should avoid making public comment on the merits of a pending or impending action and should require similar restraint by personnel subject to the judicial employee's direction and control. This proscription does not extend to public statements made in the course of official duties or to the explanation of court procedures.
- (2) A judicial employee should not use for personal gain any confidential information received in the course of official duties.
- (3) A judicial employee should never disclose any confidential information received in the course of official duties except as required in the performance of such duties. A former judicial employee should observe the same restriction on disclosure of confidential information that applies to a current judicial employee, except as modified by the appointing authority. This general restriction on use or disclosure of confidential information does not prevent, nor should it discourage, an employee or former employee from reporting or disclosing misconduct, including sexual or other forms of harassment, by a judge, supervisor, or other person.

E. A judicial employee should not engage in nepotism prohibited by law.

Note: See also [5 U.S.C. § 3110](#) (employment of relatives); [28 U.S.C. § 458](#) (employment of judges' relatives).

F. Conflicts of Interest

- (1) A judicial employee should avoid conflicts of interest in the performance of official duties. A conflict of interest arises when a judicial employee knows that he or she (or the spouse, minor child residing in the judicial employee's household, or other close relative of the judicial employee) might be so personally or financially

affected by a matter that a reasonable person with knowledge of the relevant facts would question the judicial employee's ability properly to perform official duties in an impartial manner.

- (2) Certain judicial employees, because of their relationship to a judge or the nature of their duties, are subject to the following additional restrictions:
 - (a) A staff attorney or law clerk should not perform any official duties in any matter with respect to which such staff attorney or law clerk knows that:
 - (i) he or she has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
 - (ii) he or she served as lawyer in the matter in controversy, or a lawyer with whom he or she previously practiced law had served (during such association) as a lawyer concerning the matter (provided that the prohibition relating to the previous practice of law does not apply if he or she did not work on the matter, did not access confidential information relating to the matter, and did not practice in the same office as the lawyer), or he, she, or such lawyer has been a material witness;
 - (iii) he or she, individually or as a fiduciary, or the spouse or minor child residing in his or her household, has a financial interest in the subject matter in controversy or in a party to the proceeding;
 - (iv) he or she, a spouse, or a person related to either within the third degree of relationship (as defined above in § 310.40), or the spouse of such person (A) is a party to the proceeding, or an officer, director, or trustee of a party; (B) is acting as a lawyer in the proceeding; (C) has an interest that could be substantially affected by the outcome of the proceeding; or (D) is likely to be a material witness in the proceeding;
 - (v) he or she has served in governmental employment and in such capacity participated as counsel, advisor, or material witness concerning the proceeding or has

expressed an opinion concerning the merits of the particular case in controversy.

- (b) A secretary to a judge, or a courtroom deputy or court reporter whose assignment with a particular judge is reasonably perceived as being comparable to a member of the judge's personal staff, should not perform any official duties in any matter with respect to which such secretary, courtroom deputy, or court reporter knows that he or she, a spouse, or a person related to either within the third degree of relationship, or the spouse of such person (i) is a party to the proceeding, or an officer, director, or trustee of a party; (ii) is acting as a lawyer in the proceeding; (iii) has an interest that could be substantially affected by the outcome of the proceeding; or (iv) is likely to be a material witness in the proceeding; provided, however, that when the foregoing restriction presents undue hardship, the judge may authorize the secretary, courtroom deputy, or court reporter to participate in the matter if no reasonable alternative exists and adequate safeguards are in place to ensure that official duties are properly performed. In the event the secretary, courtroom deputy, or court reporter possesses any of the foregoing characteristics and so advises the judge, the judge should also consider whether the Code of Conduct for United States Judges may require the judge to recuse.
 - (c) A probation or pretrial services officer should not perform any official duties in any matter with respect to which the probation or pretrial services officer knows that:
 - (i) he or she has a personal bias or prejudice concerning a party;
 - (ii) he or she is related within the third degree of relationship to a party to the proceeding, or to an officer, director, or trustee of a party, or to a lawyer in the proceeding;
 - (iii) he or she, or a relative within the third degree of relationship, has an interest that could be substantially affected by the outcome of the proceeding.
- (3) When a judicial employee knows that a conflict of interest may be presented, the judicial employee should promptly inform his or her appointing authority. The appointing authority, after determining

that a conflict or the appearance of a conflict of interest exists, should take appropriate steps to restrict the judicial employee's performance of official duties in such matter so as to avoid a conflict or the appearance of a conflict of interest. A judicial employee should observe any restrictions imposed by his or her appointing authority in this regard.

- (4) A judicial employee who is subject to canon 3F(2)(a) should keep informed about his or her personal and fiduciary financial interests and make a reasonable effort to keep informed about the personal financial interests of a spouse or minor child residing in the judicial employee's household. For purposes of this canon, "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:
 - (a) ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the employee participates in the management of the fund;
 - (b) an office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;
 - (c) the proprietary interest of a policy holder in a mutual insurance company, or a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;
 - (d) ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.
- (5) A member of a judge's personal staff should inform the appointing judge of any circumstance or activity of the staff member that might serve as a basis for disqualification of either the staff member or the judge, in a matter pending before the judge.

Canon 4: In Engaging in Outside Activities, a Judicial Employee Should Avoid the Risk of Conflict with Official Duties, Should Avoid the Appearance of Impropriety, and Should Comply with Disclosure Requirements

A. Outside Activities

A judicial employee's activities outside of official duties should not detract from the dignity of the court, interfere with the performance of official duties, or adversely reflect on the operation and dignity of the court or office the judicial employee serves. Subject to the foregoing standards and the other provisions of this code, a judicial employee may engage in such activities as civic, charitable, religious, professional, educational, cultural, avocational, social, fraternal, and recreational activities, and may speak, write, lecture, and teach. If such outside activities concern the law, the legal system, or the administration of justice, the judicial employee should first consult with the appointing authority to determine whether the proposed activities are consistent with the foregoing standards and the other provisions of this code. A judicial employee should not accept a governmental appointment that has the potential for dual service to and/or supervision by independent branches of government (including state courts) or different governments during judicial employment.

B. Solicitation of Funds

A judicial employee may solicit funds in connection with outside activities, subject to the following limitations:

- (1) A judicial employee should not use or permit the use of the prestige of the office in the solicitation of funds.
- (2) A judicial employee should not solicit subordinates to contribute funds to any such activity but may provide information to them about a general fund-raising campaign. A member of a judge's personal staff should not solicit any court personnel to contribute funds to any such activity under circumstances where the staff member's close relationship to the judge could reasonably be construed to give undue weight to the solicitation.
- (3) A judicial employee should not solicit or accept funds from lawyers or other persons likely to come before the judicial employee or the court or office the judicial employee serves, except as an incident to a general fund-raising activity.

C. Financial Activities

- (1) A judicial employee should refrain from outside financial and business dealings that tend to detract from the dignity of the court, interfere with the proper performance of official duties, exploit the position, or associate the judicial employee in a substantial financial manner with lawyers or other persons likely to come before the judicial employee or the court or office the judicial employee serves, provided, however, that court reporters are not prohibited from providing reporting services for compensation to the extent permitted by statute and by the court. A member of a judge's personal staff should consult with the appointing judge concerning any financial and business activities that might reasonably be interpreted as violating this code and should refrain from any activities that fail to conform to the foregoing standards or that the judge concludes may otherwise give rise to an appearance of impropriety.
- (2) A judicial employee should not solicit or accept a gift from anyone seeking official action from or doing business with the court or other entity served by the judicial employee, or from anyone whose interests may be substantially affected by the performance or nonperformance of official duties; except that a judicial employee may accept a gift as permitted by the Ethics Reform Act of 1989 and the Judicial Conference regulations thereunder. A judicial employee should endeavor to prevent a member of a judicial employee's family residing in the household from soliciting or accepting any such gift except to the extent that a judicial employee would be permitted to do so by the Ethics Reform Act of 1989 and the Judicial Conference regulations thereunder.

Note: See [5 U.S.C. § 7353](#) (gifts to federal employees). See *also* [5 U.S.C. § 7342](#) (foreign gifts); [5 U.S.C. § 7351](#) (gifts to superiors).
- (3) A judicial employee should report the value of gifts to the extent a report is required by the Ethics Reform Act, other applicable law, or the Judicial Conference of the United States.

Note: See [5 U.S.C. App. § § 101 to 111](#) (Ethics Reform Act financial disclosure provisions).
- (4) During judicial employment, a law clerk or staff attorney may seek and obtain employment to commence after the completion of the judicial employment. However, the law clerk or staff attorney should first consult with the appointing authority and observe any restrictions imposed by the appointing authority. If any law firm, lawyer, or entity with whom a law clerk or staff attorney has been employed or is seeking or has obtained future employment appears

in any matter pending before the appointing authority, the law clerk or staff attorney should promptly bring this fact to the attention of the appointing authority.

D. Practice of Law

A judicial employee should not engage in the practice of law except that a judicial employee may act pro se, may perform routine legal work incident to the management of the personal affairs of the judicial employee or a member of the judicial employee's family, and may provide pro bono legal services in civil matters, so long as such pro se, family, or pro bono legal work does not present an appearance of impropriety, does not take place while on duty or in the judicial employee's workplace, and does not interfere with the judicial employee's primary responsibility to the office in which the judicial employee serves, and further provided that:

- (1) in the case of pro se legal work, such work is done without compensation (other than such compensation as may be allowed by statute or court rule in probate proceedings);
- (2) in the case of family legal work, such work is done without compensation (other than such compensation as may be allowed by statute or court rule in probate proceedings) and does not involve the entry of an appearance in a federal court;
- (3) in the case of pro bono legal services, such work (a) is done without compensation; (b) does not involve the entry of an appearance in any federal, state, or local court or administrative agency; (c) does not involve a matter of public controversy, an issue likely to come before the judicial employee's court, or litigation against federal, state or local government; and (d) is reviewed in advance with the appointing authority to determine whether the proposed services are consistent with the foregoing standards and the other provisions of this code.

Judicial employees may also serve as uncompensated mediators or arbitrators for nonprofit organizations, subject to the standards applicable to pro bono practice of law, as set forth above, and the other provisions of this code.

A judicial employee should ascertain any limitations imposed by the appointing judge or the court on which the appointing judge serves concerning the practice of law by a former judicial employee before the judge or the court and should observe such limitations after leaving such employment.

Note: See also [18 U.S.C. § 203](#) (representation in matters involving the United States); [18 U.S.C. § 205](#) (claims against the United States); [28 U.S.C. § 955](#) (restriction on clerks of court practicing law).

E. Compensation and Reimbursement

A judicial employee may receive compensation and reimbursement of expenses for outside activities provided that receipt of such compensation and reimbursement is not prohibited or restricted by this code, the Ethics Reform Act, and other applicable law, and provided that the source or amount of such payments does not influence or give the appearance of influencing the judicial employee in the performance of official duties or otherwise give the appearance of impropriety. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by a judicial employee and, where appropriate to the occasion, by the judicial employee's spouse or relative. Any payment in excess of such an amount is compensation.

A judicial employee should make and file reports of compensation and reimbursement for outside activities to the extent prescribed by the Ethics Reform Act, other applicable law, or the Judicial Conference of the United States.

Notwithstanding the above, a judicial employee should not receive any salary, or any supplementation of salary, as compensation for official government services from any source other than the United States, provided, however, that court reporters are not prohibited from receiving compensation for reporting services to the extent permitted by statute and by the court.

Note: See [5 U.S.C. App. §§ 101 to 111](#) (Ethics Reform Act financial disclosure provisions); [28 U.S.C. § 753](#) (court reporter compensation). See also [5 U.S.C. App. §§ 501 to 505](#) (outside earned income and employment).

Canon 5: A Judicial Employee Should Refrain from Inappropriate Political Activity

A. Partisan Political Activity

A judicial employee should refrain from partisan political activity; should not act as a leader or hold any office in a partisan political organization; should not make speeches for or publicly endorse or oppose a partisan political organization or candidate; should not solicit funds for or contribute to a partisan political organization, candidate, or event; should not become

a candidate for partisan political office; and should not otherwise actively engage in partisan political activities.

B. Nonpartisan Political Activity

A member of a judge's personal staff, lawyer who is employed by the court and assists judges on cases, clerk of court, chief probation officer, chief pretrial services officer, circuit executive, and district court executive should refrain from nonpartisan political activity such as campaigning for or publicly endorsing or opposing a nonpartisan political candidate; soliciting funds for or contributing to a nonpartisan political candidate or event; and becoming a candidate for nonpartisan political office. Other judicial employees may engage in nonpartisan political activity only if such activity does not tend to reflect adversely on the dignity or impartiality of the court or office and does not interfere with the proper performance of official duties. A judicial employee may not engage in such activity while on duty or in the judicial employee's workplace and may not utilize any federal resources in connection with any such activity.

Note: See also [18 U.S.C. chapter 29](#) (elections and political activities).

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ACKNOWLEDGMENT OF RECEIPT - CODE OF CONDUCT HANDBOOK

I hereby acknowledge that a Code of Conduct for Judicial Employees handbook was given to me on this date. I understand that it is my responsibility to read and review the information and guidelines therein. I also understand that it is my responsibility to bring any questions or concerns I may have to the attention of my supervisor for clarification.

Print Employee Name

Signature of Employee

Date Signed

FINGERPRINT CARD INSTRUCTIONS

Fingerprint Card – All externs and law clerks must be fingerprinted **in advance** of their start date with the court. The fingerprint form must be taken to a law enforcement agency or place of business so the fingerprints can be completed. The law clerk or extern can go to **ANY** place of business that can conduct this service. It cannot be submitted via livescan. The extern or law clerk is to complete all areas at the top of the form with their personal information. The box marked (MNU) is for placement of the Driver's License or Identification Card number. Please send the completed fingerprints to the address below.

COURT ADDRESS

U.S. District Court
Attn: Human Resources
255 E. Temple Street,
Room 1178
Los Angeles, CA 90012

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DISCLOSURE POLICY AND STATEMENT

EFFECTIVE DATE: MAY 5, 2014

(All Clerks' Office employees must read and sign below.)

The purpose of the Disclosure Policy and Statement is to advance the safety and integrity of the workplace and of individual employees and to mitigate the potential of inappropriate pressure upon individual employees to violate the Code of Conduct for Judicial Employees ("Code") and the law. The Judicial Conference of the United States established the Code to apply to Clerk's Office and other staff supervised by the Clerk's Office, including interns and volunteers. *Guide to Judiciary Policy*, Vol. 2, Part A, Chap. 3, § 310.10.

The Code of Conduct is designed to maintain the public's trust and confidence in the judicial system. To assist Clerk's Office employees in complying with the Code of Conduct, and in particular, Canon 3F, which governs conflicts of interest, this Disclosure Policy provides guidance regarding specific circumstances that raise the possibility of a conflict of interest, and when and how to report such a conflict to the Clerk of Court.

Further, in addition to potential conflicts of interest reportable under the Code, the Clerk's Office requires employees to report certain information regarding criminal cases or investigations in which an employee may be involved, as well as the issuance of certain restraining or protective orders against an employee. The public has a right to expect that employees of the Judiciary comply with all federal, state, and local laws. *See Guide to Judiciary Policy*, Vol. 2, Part A, Chap. 3, § 320.

What Must Be Disclosed?

The matters listed below ("**Reportable Events**") **MUST** be reported to the Clerk of Court. In addition, events not explicitly falling within the letter of the examples below must be reported if they are similar in nature to any of the Reportable Events or fall within the spirit of Canon 3F of the Code; employees who are unsure whether something qualifies as a Reportable Event should report it.

Reportable Events include actions involving the employee, as well as actions involving an Employee's Family or Household Member. A "**Household Member**" is defined as anyone who is neither related nor married to the employee but lives under the same roof. A "**Family Member**" is defined as an individual with any of the following relationships to the employee: (1) spouse, and parents thereof; (2) sons and daughters, and spouses (or domestic partners) thereof; (3) parents, and spouses (or domestic partners) thereof; (4) brothers and sisters, and spouses (or domestic partners) thereof; (5) grandparents and grandchildren, and spouses (or domestic partners) thereof; (6) domestic partner, and parents thereof; and (7) any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship. For detailed definitions of son, daughter, parent, and domestic partner, see [5 CFR 630.902](#).

Employees have no obligation to investigate whether a Family or Household Member has a Reportable Event. However, if an employee discovers that a Reportable Event has occurred involving any Family or Household Member, the required disclosure must be made. Information disclosed about any Family or Household Member is to be made in good faith, to the best of the employee's knowledge and belief.

What Is A Reportable Event?

CIVIL OR CRIMINAL CASES IN THE CENTRAL DISTRICT: Any civil or criminal action filed in, removed to, transferred to, or pending before this Court in which the employee or any Family or Household Member is or may be a party (or officer, director, or trustee of a party) or is likely to be a material witness, or might be so personally or financially affected by the outcome that the employee's ability to perform official duties in an impartial manner might reasonably be questioned. Clerk's Office staff working for a particular judge must also report cases assigned to that judge in which any Family or Household Member is acting as a lawyer. In addition, if the employee or any Family or Household Member is the target of a criminal investigation that may lead to the filing of a criminal action in this Court, the investigation must be reported.

OTHER CRIMINAL MATTERS INVOLVING EMPLOYEES: Any citation, arrest, summons, indictment, complaint, conviction (including convictions resulting from a plea of no contest), or term of imprisonment, probation, parole, or supervised release imposed on or issued to any employee for any misdemeanor, felony, firearms or explosives violation, or any other criminal offense **in any court of any jurisdiction**, EXCEPT: any violation of law committed before the employee's 16th birthday; (2) any violation of law committed before the employee's 18th birthday if finally decided in juvenile court or under a Youth Offender law; (3) any conviction set aside under the Federal Youth Corrections Act or similar state law; (4) any conviction for which the record was expunged under federal or state law; and (5) events involving only traffic violations or infractions requiring only the payment of a fine and no court appearance. In addition, if an employee is aware that he or she is the target of a criminal investigation that may lead to the occurrence of an event falling under this paragraph, the investigation must also be reported.

OTHER CRIMINAL MATTERS INVOLVING FAMILY OR HOUSEHOLD MEMBERS: Any citation, arrest, summons, indictment, complaint, conviction (including convictions resulting from a plea of no contest), or term of imprisonment, probation, parole, or supervised release imposed on or issued to any Family or Household Member for any felony, misdemeanor involving violence or the threat of violence, or any firearms or explosives violation, in any court of any jurisdiction, EXCEPT: any violation of law committed before the individual's 16th birthday; (2) any violation of law committed before the individual's 18th birthday if finally decided in juvenile court or under a Youth Offender law; (3) any conviction set aside under the Federal Youth Corrections Act or similar state law; and (4) any conviction for which the record was expunged under federal or state law. In addition, if any Family or Household Member is the target of a criminal investigation that may lead to the occurrence of an event falling under this paragraph, the investigation must also be reported.

RESTRAINING OR PROTECTIVE ORDERS INVOLVING EMPLOYEES: Any domestic violence restraining order, child custody protective order, workplace violence restraining order, civil harassment restraining order, elder abuse restraining order, or restraining order prohibiting gang members from participating in certain activities (gang injunction), whether emergency, temporary or permanent in nature, imposed on or issued against any employee by **any court of any jurisdiction**. In addition, employees who are *protected by* such an order must inform both the Clerk of Court and the United States Marshal Service, so that management may help ensure a safer and more secure workplace for all employees.

RESTRAINING OR PROTECTIVE ORDERS INVOLVING FAMILY OR HOUSEHOLD MEMBERS: Any restraining order prohibiting gang members from participating in certain activities (gang injunction), whether emergency, temporary or permanent in nature, imposed on or issued against any Family or Household Member, by any court of any jurisdiction.

MISDEMEANORS OR CRIMINAL INVESTIGATIONS RELATED TO FAMILY OR HOUSEHOLD MEMBERS: An employee should consider whether the following information might embarrass or discredit the Court, or pose a possible conflict of interest, and if so, the information should be reported: any citation, arrest, summons, complaint, conviction (including convictions resulting from a plea of no contest), or term of imprisonment, probation, parole, or supervised release imposed on or issued to any Family or Household Member, for any misdemeanor, EXCEPT: (1) any violation of law committed before the individual's 16th birthday; (2) any violation of law committed before the individual's 18th birthday if finally decided in juvenile court or under a Youth Offender law; (3) any conviction set aside under the Federal Youth Corrections Act or similar state law; (4) any conviction for which the record was expunged under federal or state law; and (5) events involving only traffic violations or infractions requiring only the payment of a fine and no court appearance. In addition, if an employee is aware that any Family or Household Member is the target of any criminal investigation covered by this paragraph that may embarrass or discredit the Court, or pose a possible conflict of interest, the employee should report the investigation.

How Is Disclosure Made?

Disclosure must be made **in writing** to the Clerk of Court.

When Must Reportable Events Be Disclosed?

Disclosure must be made **within 48 hours** from the date any Reportable Event becomes known to the employee. If the disclosure deadline would fall on a weekend or holiday, disclosure may be made on the next business day.

What Happens After Disclosure?

Disclosure of Reportable Events will be used to determine whether the employee's current work assignment is appropriate. Such determination will be made on an individual basis. The employment suitability factors in [in Title 5, Code of Federal Regulations, part 731](#), will be used as an aid in the evaluation process to determine the employee's suitability for his or her current work assignment. [See 5 CFR 731.202](#). Note that in many instances, no adjustment of the employee's work assignment will be required. If the disclosure creates security concerns for the Court, the necessary steps will be taken to maintain the safety of judicial officers and court employees.

Information disclosed will not be shared with other individuals without the employee's consent, except when necessary to allow the employee's supervisor(s) and/or manager(s) to assist with the determination of the employee's suitability for his or her current work assignment. Disclosed information will be managed discreetly and will be confidentially maintained by the Clerk of Court in the Human Resources Department, separate from personnel files.

What Happens If An Employee Fails To Disclose A Reportable Event?

Failure of an employee to make a timely and full disclosure may result in adverse action, including termination of employment.

Acknowledgment:

Your signature below indicates that you have read, understand, and agree to comply with the disclosure requirements of this Disclosure Policy and Statement.

Print Name

Department

Signature

Date