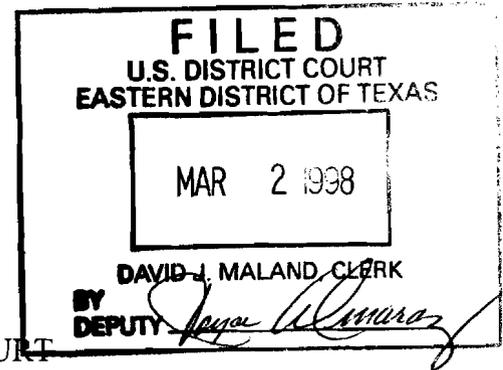


(Supersedes GO 90-26)

General Order No. 98-3



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

**GENERAL ORDER ADOPTING U. S. PROBATION OFFICE ADMINISTRATIVE
POLICIES AND PROCEDURES MANUAL**

The U. S. District Court for the Eastern District of Texas hereby adopts the following administrative policies and procedures for the U. S. Probation Office, Eastern District of Texas, subject to amendments. These policies include some, but not all, of the other rules and regulations which may be contained in statutes or administrative directives from the Administrative Office of the U. S. Courts. This Order supersedes General Order No. 90-26, entered on October 31, 1990.

Signed this the 26th day of February, 1998.

FOR THE COURT:

Richard A. Schell
Chief Judge

FOREWORD

The Intra-District Policy and Operations Manual consists of policy statements adopted by the U.S. District Judges of the Eastern District of Texas as it relates to the U.S. Probation Office, and operations instructions issued by the Chief U.S. Probation Officer containing rules, regulations and procedures governing the U.S. Probation Office for the Eastern District of Texas.

The manual is designed to incorporate existing and revised procedures into one source for ready reference. While the manual is located on the agency's web site, each employee is issued a hard copy. Succeeding changes will be announced and available on the web site, and if the employee desires a hard copy of the change, the employee is responsible for printing. Each office will maintain a current hard copy of the manual.

All employees are advised this manual is not a binding contract and is used only as a reference to explain employee benefits, rights and responsibilities.

**EASTERN DISTRICT OF TEXAS
POLICY MANUAL
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1.00 GENERAL OFFICE POLICIES

1.01 Management for Probation Officer Personnel. The Chief Probation Officer shall be responsible for managing and directing the work of the U.S. Probation Office, including work assignment, personnel management, and other such duties that are assigned to him by statute or policy of the Court.

1.02 Courtesy and Telephones. Courtesy is an expression of respect. All employees of the Probation Office are expected to be courteous when dealing with the public. If you are faced with an unpleasant situation or unreasonable request that you cannot deal with in a courteous or polite manner, immediately refer the matter to your supervisor or a member of the management staff.

If you are unable to immediately assist someone who is waiting to be served by you, be sure to acknowledge that individual's presence and give some indication that assistance is forthcoming. Remember that you are a public servant, and the people you deal with and their problems are not impositions on your time.

Courtesy and helpfulness should be maintained not only in personal contacts with the public, but also over the telephone.

If you are faced with an unreasonable request or unpleasant situation, advise your supervisor immediately.

Courtesy is also expected between employees in the performance of their duties. No employee should speak in a derogatory manner or be critical of the acts performed by other employees. If you feel an employee is performing in an improper manner, refer the matter to your supervisor.

Should you believe that a directive or instruction given to you by a supervisor is improper or unjust, you have the right to respectfully call the supervisor's attention to the matter or discuss it with the Chief or designee.

Each employee is reminded that except in emergency situations or immediate personal business, government telephones are to be used for official business only. Personal telephone calls should not exceed 5-10 minutes per day.

1.03 Working Hours. The Probation Office is open to the public from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Each supervisor has the responsibility for determining the working hours based on such things as the nature of the job assignments and workload demands. The normal work week is 40 hours,

Monday through Friday, from 8:00 a.m. to 5:00 p.m. All other work schedules must be approved in advance by the Chief or designee.

In order to fulfill the requirement for a minimum 8-hour day, a 60-minute lunch period is allowed with 15 minute morning and afternoon breaks. The supervisor will arrange the work schedule so that lunch periods and breaks are covered. Generally, unless prior approval is given by the Chief or designee, the combination of lunch and break time should not exceed one hour and thirty minutes. All employees are encouraged to take their lunch and break periods as scheduled.

Whenever you are ill or unable to report for work, you must telephone your supervisor by your scheduled start time to explain the reason for your absence and when you anticipate returning to the office. In the event of extenuating circumstances, you may leave a message with a fellow worker; however, it is your responsibility to insure that appropriate personnel are notified of your absence.

1.04 Compressed Work Schedule. Upon individual requests, the Chief or designee, may approve an alternative work schedule based upon workload demands, staffing levels and seniority.

COMPRESSED WORK SCHEDULE POLICY

1. GOALS

- a. To maintain or increase our services and work product.
- b. To reduce our job stress and enhance job satisfaction.

2. OVERVIEW

Under a compressed work schedule, full-time employees can complete their 80-hour biweekly work requirements in fewer than ten 8-hour days. Under the 5/4/9 schedule, employees work eight 9-hour days; one 8-hour day; and have an additional non-work day during the normal two-week pay period.

3. MAINTAINING OFFICE FUNCTIONS

Each employee who chooses to work the 5/4/9 schedule will coordinate with his/her supervisor and develop a schedule that complements the schedules of other employees in the unit. The primary components to be considered are seniority and performance. Each office unit is responsible for ensuring that its functions are adequately covered during core office hours, with a limited number of employees in each unit out at any given time. Schedules between units must also be coordinated in order to ensure that work tasks involving more than one unit are maintained (on-call).

It is ultimately the unit supervisors's responsibility to ensure adequate coverage of his/her unit.

4. SCHEDULING

Employee schedules shall be planned with the immediate supervisor on a quarterly basis. Changes to an employee's scheduled work time must be approved by the employee's supervisor. Schedule changes should be an exception to the rule, not a frequent occurrence. Lunch schedules will be allowed to vary when needed, as long as the time can be made up during that pay period.

5. SENIORITY

If like schedules are desired by employees within the same unit and a compromise cannot be reached, seniority takes precedence. Seniority is based on the time served within each divisional office and unit, not the time accrued working in other districts.

6. TIME SHEETS

Each employee will keep a time sheet with arrival and departure times noted, along with total hours worked each day. At the end of the pay period, the hours on the time sheet will be totalled.

Time sheets must be turned in to the employee's supervisor on the last day of each pay period for review and certification. The pay certification should be forwarded to the Administrative Manager. As well, leave slips should be submitted to the Personnel Administrative Assistant. For audit purposes, correction fluid should not be used on time sheets.

7. COMPRESSED WORK SCHEDULES

The following work schedules are available as alternatives to the traditional 8 a.m. to 5 p.m., with an hour lunch, schedule.

- a. 7:30 a.m. to 5 p.m. with a 30-minute lunch.
- b. 7:30 a.m. to 5:30 p.m. with an hour lunch.
- c. 8 a.m. to 5:30 p.m. with a 30-minute lunch.
- d. 8 a.m. to 6 p.m. with an hour lunch.

In no event should a compressed work schedule begin before 7:30 a.m. or after 6 p.m.

8. LEAVE

Whenever an employee has scheduled leave, a leave slip must be submitted in advance. If an employee is out sick on some or all of a scheduled work day, that employee may make up his/her time during scheduled time off, instead of submitting a leave slip. The same options are available for unexpected annual leave(e.g., car problems).

9. HOW IS LEAVE CHARGED?

An employee may still request and use leave as always. Leave is charged based upon the number of hours of leave used, as judged by the employee's schedule. If an employee uses a whole day of leave on a day that is regularly scheduled as a 9 hour day, then the employee is charged 9 hours of leave. If the employee uses a whole day of leave on an 8-hour day, only 8 hours of leave are charged.

10. NO "CREDIT HOURS"

If excess time is worked, compensatory time should be requested in accordance with the district's compensatory leave policy.

11. HOLIDAYS

If an employee's regularly scheduled day off falls on a legal holiday or administrative leave day, the following applies.

If the holiday falls on Monday, the employee's scheduled day off becomes Tuesday.

If the holiday is on any other workday, the employee's scheduled day off becomes the day before the holiday.

During any holiday or administrative leave day, an employee will get credit for the number of hours he is scheduled to work. If he is scheduled for 9 hours, he will be credited for 9 hours.

12. TRAVEL STATUS

An employee who is in a travel status will be credited with 8 hours for that day, unless unusual circumstances merit additional time. In such instances, up to 10 hours may be

claimed with a supervisor's approval. If travel is required for less than a full day, the employee may be required to return to the office.

Most periods of travel or training are of short duration and can be accommodated without changing the compressed schedule. If the travel or training will conflict with the employee's scheduled non-work day, the employee's schedule can be altered to change the non-work day for that pay period. If the travel or training will be five days per week for an extended period of time, the employee may have to return to an 8-hour per day schedule for the duration of the travel or training.

13. DEVIATIONS TO THE COMPRESSED SCHEDULE

- a. During peak vacation periods in the office, the program may have to be curtailed or suspended. Annual leave will be granted only after taking into consideration scheduled days off. The main rule will be to ensure that the office is covered and that work is accomplished.
- b. If an employee uses two or more days of sick leave in a month, the employee may be asked to use one or more days of sick leave as their scheduled "off-day."

Medical appointments will be scheduled, when possible, on the nonscheduled work days. Employees may be asked to justify why non-emergency medical appointments are not scheduled on nonscheduled work days.

- c. Supervisors retain the flexibility to approve compressed work schedules for one employee or a group of employees based on the work needs of the office and the demonstrated performance and reliability of the individuals involved. Like other work options, compressed work schedules are not an employee entitlement, and a number of factors can be considered when weighing the overall benefits to the agency.

14. EXAMPLES OF COMPRESSED WORK SCHEDULES:

- a. 7:30 a.m. to 5 p.m. with a 30-minute lunch the first week of an 80-hour pay period. 7:30 a.m. to 5 p.m. with a 30-minute lunch, three days of the second week; and one 8-hour day, 8 a.m. to 5 p.m., with an hour lunch, with an additional non-work day during the second pay period.
- b. 8 a.m. to 5:30 p.m. with a 30-minute lunch the first week of an 80-hour pay period. 8 a.m. to 5:30 p.m. with a 30-minute lunch three days of the second week; and one

8-hour day, 8 a.m. to 5 p.m., with an hour lunch with an additional non-work day during the second week of the 80-hour pay period.

- c. 7:30 a.m. to 5:30 p.m. with an hour lunch the first week of an 80-hour pay period. 7:30 a.m. to 5:30 p.m. with an hour lunch three days of the second week; and one 8-hour day, 8 a.m. to 5 p.m., with an hour lunch with an additional non-work day during the second week of the 80-hour pay period.
- d. 8 a.m. to 6 p.m. with an hour lunch the first week of an 80-hour pay period. 8 a.m. to 6 p.m. with an hour lunch three days of the second week; and one 8-hour day, 8 a.m. to 5 p.m., with an hour lunch with an additional non-work day during the second week of the 80-hour pay period.

COMPRESSED WORK SCHEDULE TIME SHEET

The following employee worked 80 pay hours for pay period _____

NAME _____ SS# _____

WEEK OF: _____ THRU _____

DATE	TIME IN	TIME OUT	TOTAL HRS
SUBTOTAL			

WEEK OF: _____ THRU _____

DATE	TIME IN	TIME OUT	TOTAL HRS
SUBTOTAL			

GRAND TOTAL HRS WORKED: _____
(Not to exceed 80 hrs)

SIGNATURE OF EMPLOYEE

DATE

SIGNATURE OF AGENCY SUPERVISOR

DATE

LEAVE SLIP(S) ATTACHED: ANNUAL _____
SICK _____

2.00 MODEL EEO PLAN

On March 12, 1987, by General Order 87-2, the Court for the Eastern District of Texas adopted an Equal Employment Opportunity Plan and Discrimination Complaint Procedure in accordance with the Model Plan promulgated by the Judicial Conference of the United States. On November 21, 1994, by General Order 94-35, the Court adopted a "Supplement to the Courts' EEO Plan" which provides specific procedure for the processing of complaints of sexual harassment. Refer to TXENet, Resource Desk - Model EEO Plan for "read only" access.

In accordance with General Order No. 97-19, dated November 24, 1997, the Court for the Eastern District of Texas adopted the Fifth Circuit Model Equal Employment Opportunity and Employment Dispute Resolution Plan which shall be effective for complaints filed on or after January 1, 1999. The new model plan will be available for "read only" access on TXENet on or before the effective date.

3.00 EMPLOYEE STANDARDS OF CONDUCT

3.01 Conduct of U.S. Probation Office Employees -- Both On Duty and Off Duty. U.S. Probation Office employees are representatives of the Court and are to conduct themselves in a manner that justifies such a position of trust and responsibility. Violation of administrative or statutory laws, or regulations, that pertain to employment with the U.S. Courts in specific, or the United States Government in general, will be considered grounds for termination.

3.02 Code of Conduct. All employees, including U.S. Probation Officers, U.S. Probation Officer Assistants and support staff, are governed by the Code of Conduct for Judicial Employees which was adopted by the Judicial Conference of the United States on September 19, 1995. The Code is found in the Guide to Judiciary Policies and Procedures, Volume II, Chapter II.

In the event any employee believes that improper requests are being made or suggested, this conduct is to be reported to the employee's supervisor immediately. The incident is to be submitted in writing to the Chief U.S. Probation Officer within 72 hours.

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 shall 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. A judicial employee should be patient, dignified, respectful, and courteous to all persons with whom the judicial employee deals in an official capacity, including the general public, and should require similar conduct of personnel subject to the judicial employee's direction and control. 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. 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.
- 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, 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,¹ 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;

¹As 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.

- (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) should keep informed about his or her personal, financial and fiduciary interests and make a reasonable effort to keep informed about such interests of a spouse or minor child residing in the judicial employee's household.
- (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.
- 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. 6, §§ 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. 6, §§ 101 to 111 (Ethics Reform Act financial disclosure provisions); 28 U.S.C. § 753 (court reporter compensation). See also 5 U.S.C. app. 7, §§ 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, 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).

3.03 Employment of Relatives. Title 28, United States Code, Section 458, states: "No person shall be appointed to or employed in any office or duty in any court who is related by affinity or consanguinity within the degree of first cousin to any justice or judge of such court." Further, United States Code, Section 3110 states, in part, that a public official may not appoint, or advocate for appointment or employment to a position over which he exercises jurisdiction or control, certain individuals who are relatives by blood or marriage of that public official. These individuals are defined in Chapter X of the Personnel Policies and Procedures Manual (subchapter 1310.1) as:

father	mother	brother	sister
uncle	aunt	first cousin	nephew
wife	daughter-in-law	brother-in-law	niece
son	husband	stepmother	sister-in-law
half brother	half sister	stepsister	son-in-law
daughter		stepbrother	stepfather

If marriage creates a relationship between employees defined as "close relatives," one of the employees involved may be required to resign or be reassigned, if necessary, at the discretion of the Chief U.S. Probation Officer.

3.04 Work Performed Outside the U.S. Probation Office and After Regular Office Hours. No employee will engage in any other employment during the scheduled work hours for the Probation Office. Employees may engage in outside work for financial gain if the following criteria are met.

The activity in no way conflicts with the employee's usual work, there is no reasonable foreseeable conflict of interest, and the employee submits in advance a statement to the Chief Probation Officer

giving the name of the employer, nature of work to be performed, hours to be worked, and a statement that there is no conflict of interest. The statement should be submitted for approval prior to accepting the offer for outside employment and on an annual basis thereafter. Part-time work such as a private investigator, security guard, etc., is not performed by U.S. Probation Office personnel.

3.05 Professionalism. An employee may not have any personal interests, conduct any relationship, nor engage in any employment or activity, which, by its nature or scope, would constitute a conflict of interest between the court and the employee.

3.06 Conflict of Interests and Accepting Gifts, Services, or Anything Else of Value. An employee may not accept, either directly or indirectly, any gift from any individual or organization with which the U.S. Probation Office has a business relationship. This includes any present, gratuity, favor, money, fee or any form of compensation offered or given to an employee. Specifically, employees are not to accept gifts, services, or anything of value from individuals under investigation or supervision of the U.S. Probation Office nor are they to engage in any business enterprise with them. This prohibition includes not only probationers, parolees and supervised releasees, but other individuals who might have a direct interest in a case, including attorneys, relatives, or individuals who perform contract services for the Government.

3.07 Confidential Information. There are instances when telephone inquiries are made concerning an employee's work status with this office. These inquiries are generally made following an employee's application for a loan or in connection with the establishment of a general credit rating. All such inquiries are to be directed to the personnel specialist.

3.08 Recommending Professional Services. Employees will neither suggest nor recommend to any member of the public the names of any person, firm or company to serve as an attorney or in any other professional capacity.

4.00 EMPLOYEE BENEFITS

4.01 Federal Employees Health Insurance. The Federal Employees Health Benefits Program is available on a voluntary basis with costs partly financed by the government. Every eligible employee has 31 days from the date of their appointment to enroll in a plan by completing a Form SF-2809, Health Benefits Registration. An open season is held each year, November-December, to make changes. Refer to TXENet Resource Desk - FEHB for additional information.

4.02 Federal Employees Group Life Insurance (FEGLI). All eligible employees are automatically covered under the *Federal Employees Group Life Act* unless such coverage is waived or subsequently canceled by filing the required waiver form (SF-2817, Life Insurance Election). The FEGLI program consists of a Basic Life amount and three forms of optional life insurance coverage: Basic Life coverage is \$10,000 or an amount equal to the gross annual salary rounded to the next higher thousand dollars, plus \$2,000; Option A provides \$10,000 of coverage; Option B provides coverage of one to five times the annual basic pay rounded to the next \$1,000; and Option C provides family coverages of \$5,000 on spouse and \$2,500 per child under age 22, unmarried and still a dependent. Rate schedules are provided in Form SF-2817-A which can be obtained from Personnel.

4.03 Federal Employees Group Long Term Disability Insurance (FEGLTD). The Federal Employees Group Long Term Disability plan has two plan options for income protection in case of a disability. This insurance went into effect in October 1992 and is offered through ITT Hartford with premiums deducted through payroll allotment. Each employee is eligible for only one enrollment period. New employees have 31 days from their effective date of employment to enroll, and must sign a waiver if declining.

4.04 Civil Service Retirement System (CSRS). Employees appointed before January 1, 1984, are subject to the current deduction rates of 7% (7.5% hazardous duty) Civil Service Retirement and 1.45% Medicare. Refer to TXENet Resource Desk-CSRS-FERS Handbook.

4.05 Federal Employees Retirement System (FERS). Since 1989, employees appointed on or after January 1, 1984, pay .80% for Federal Employees Retirement (an additional 1/2% for hazardous duty) and 7.65% FICA. Refer to TXENet Resource Desk - CSRS-FERS Handbook.

4.06 Thrift Savings Plan (TSP). This program is a retirement savings and investment plan for federal employees in the CSRS or FERS system. Refer to TXENet Resource Desk - TSP.

4.07 United States Savings Bond Program. Employees may choose to participate by payroll deduction (\$50 minimum). SF 1192 is used to authorize, change, or discontinue a savings bond allotment. Contact Personnel to obtain SF 1192.

4.08 Direct Deposit Sign-Up Form (SF-1199A). This form is used to authorize or change the direct deposit of salary checks or to authorize or change the direct deposit of a portion of the salary check to a financial institution. Effective 1/1/95 the *Federal Financial Reform Act* requires all new employees to have their salary check sent directly to a financial institution by electronic fund transfer (EFT). A maximum of three (3) direct deposit payroll deductions are allowed.

4.09 Federal Employees Compensation Act (FECA). An employee sustaining a traumatic injury or an occupational disease as a result of performance of duty while on government premises, or during the employee's tour of duty, is entitled to medical care and monetary benefits under the provisions of the *Federal Employees Compensation Act* which is administered by the Office of Workers Compensation, U. S. Department of Labor. Refer to TXENet Resource Desk - Federal Employees Compensation Act (FECA).

4.10 Voluntary Leave Sharing Program. This program allows an individual employee who experiences a personal or family medical emergency and exhausts all available paid leave to receive donated leave from fellow employees. Refer to TXENet Resource Desk, Guide to Judiciary Policies & Procedures, Chapter X, Sec. 1630.2.

4.11 Employee Assistance Program (EAP). This program is available to all federal employees. It is a professional counseling and referral service designed to help with personal, job or family problems. It is free, voluntary and confidential and may be reached 24 hours a day at 1-800-222-0364.

4.12 Unemployment Compensation. This program provides that state unemployment offices will take claims filed by former federal employees to determine their eligibility to receive unemployment benefits (Title 5, United States Code, Section 85).

5.00 LEAVE

5.01 Annual Leave. Employees shall earn annual leave based upon length of service as follows:

- A. Less than three (3) years service: Four hours for each full biweekly pay period for a total of 13 days or 104 hours per leave year.
 - B. Three (3) years service, but less than fifteen (15) years: Six hours for each full biweekly pay period except that accrual for the last full biweekly pay period in a calendar year will be 10 hours for a total of 20 days or 160 hours per leave year.
 - C. Fifteen (15) years service or more: 8 hours for each full biweekly pay period for a total of 26 days or 208 hours per leave year.
1. **Requesting Leave.** Approval for annual leave must be granted by your supervisor with consideration being given to workload, the interest of the office, previous leave granted, and seniority. Requests should be made in advance and submitted by SF-71, Application for Leave. Employees taking three or more consecutive days should submit their leave slip to their unit supervisor two weeks prior to taking the leave. Annual leave will be taken in increments of one (1) hour only.
 2. **Granting/Denial.** Employees may be permitted to take earned annual leave plus the leave that will accrue during the current leave year at any time during that year. Annual leave may be substituted for sick leave; however, it will be subject to the same restrictions as sick leave. Leave approving officials have the responsibility to decide when annual leave may be taken and may deny an annual leave request if the needs of the court unit require it.
 3. **Charging.** Employees will be charged with annual leave for absence only on those days of the basic work schedule on which they would otherwise work and receive pay, and in no case in excess of 80 hours during a biweekly pay period. If an employee is working a flexible or compressed schedule of more than eight hours in a day, a day's leave is considered to be the number of hours the employee was scheduled to work on the day leave is taken.
 4. **Advancing.** Employees will be granted in advance the leave which will be earned during the leave year. Upon separation from government employment, an employee who is indebted for unearned annual leave will have that amount deducted from the last pay due the employee.

5. **Maximum Accumulation.** Annual leave may be carried over from one leave year to the next and accumulated up to a maximum of 240 hours (30 eight-hour days). Accumulated leave above the 240-hour ceiling, which is not used by the end of the last pay period of the leave year, is subject to forfeiture. Upon termination of employment or retirement, a lump sum payoff for all unused annual leave will be made to the departing employee unless it is needed to satisfy a debt to the government.
6. **Restoration.** Section 6304 of Title 5 of the USC provides for restoration of annual leave to employees who accumulate leave beyond the 30-day statutory limit, but lose any part thereof due to one of the following reasons:
 - (a) administrative error when the error causes a loss of annual leave otherwise accruable;
 - (b) exigencies of the public business prevented taking scheduled leave; or
 - (c) sickness of the employee prevented taking scheduled leave.

Employees who wish to apply for restored leave must contact their supervisor.

5.02 Sick Leave. Employees earn 4 hours of sick leave for each full biweekly pay period for a total of 13 days per leave year. All sick leave accrued in a year which has not been used is automatically carried over into the following year. There is no limit as to the amount of sick leave that may be accumulated. Whenever an employee leaves employment of the Court, no credit is given for earned sick leave unless the employee is retiring under the Civil Service Retirement System (CSRS), in which case the unused sick leave is converted into length of service which then increases the employee's retirement benefits.

Employees will be granted in advance the sick leave which will be earned during the leave year. Sick leave cannot be taken in lieu of annual leave and is chargeable in increments of one (1) hour. If sickness occurs during a period of annual leave, the period of illness may be charged as sick leave subject to the provisions of supporting evidence. Written application for sick leave should be made on SF-71, Application for Leave.

- A. **Granting.** Sick leave will be granted to an employee when the employee:
 1. Receives medical, dental, or optical examination or treatment;
 2. Is incapacitated by physical or mental illness, injury, pregnancy, or childbirth;

3. Provides care for a family member as a result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment;
4. Makes arrangements necessitated by the death of a family member, attends the funeral of a family member; or
5. Would jeopardize the health of others by presence on the job because of exposure to a communicable disease.

Should employment be terminated with the Court, sick leave balances remain on file with the Administrative Office. If a person is reemployed by a federal agency, the sick leave balance is restored. If there is a negative balance at termination, any sick leave advanced must be repaid in cash or withheld from any salary due the employee.

- B. Unwarranted Sick Leave. Sick leave is provided to insure salary protection during emergencies and periods of extended illness. Requests for sick leave must be approved in advance for planned absences, i.e., appointments or treatments. If you are ill and unable to report to work, your supervisor must be contacted prior to your scheduled starting time. Upon your return, a leave slip must be submitted.

It is the responsibility of each supervisor to determine if an employee has abused or is abusing sick leave privileges. When such determination has been made, the supervisor will advise the employee that a medical certificate may be required for future absences taken for sick leave. As used herein, "medical certificate" means a written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment for the period of disability while the patient was receiving professional treatment. If a medical certificate is not thereafter provided, the request for sick leave may be disapproved, the absence deemed unauthorized, and the leave charged to any combination of sick, annual, compensatory, or leave without pay, as determined by the Chief Probation Officer. Continued abuse of sick leave privileges will result in further disciplinary action being taken which may include suspension or discharge.

It may also be deemed an abuse of sick leave when such leave is taken at the same rate accrued without supporting medical certification.

5.03 Maternity Leave. Maternity leave is chargeable to sick leave, or any combination of sick, annual, or compensation time. Employees may also choose to use leave specified under the "Family

& Medical Leave Act." Maternity leave may be used to cover the time required for physical examinations and to cover the period of incapacitation.

Employee's responsibilities:

- ◆ Will make known her intent to request leave for maternity reasons, including the type of leave to be charged, approximate dates, and anticipated duration as soon as the pregnancy is confirmed.
- ◆ Duration of the maternity leave will be determined by the employee and the physician.
- ◆ In order to assist agency in determining the types of leave to be charged to maternity leave, a physician's statement attesting to the period of incapacitation is preferred.
- ◆ Leave requests will be processed in accordance with regular office leave policy.
- ◆ Employees planning to return to work must indicate this fact to the supervisor when applying for maternity leave.
- ◆ Employees who later decide not to return to work must indicate this fact to the supervisor as soon as this decision is made.

5.04 Family & Medical Leave Act. The *Family & Medical Leave Act of 1993* became effective 08/05/93. Under this act, covered federal employees are allowed 12 work weeks of unpaid leave during any 12-month period for the following purposes:

- ◆ The birth of a child of the employee and the care of a child.
- ◆ The placement of a child with the employee for adoption or foster care.
- ◆ The case of a spouse, child or parent of the employee who has a serious health condition.
- ◆ A serious health condition of the employee that makes the employee unable to perform the essential functions of their position.

Refer to TXENet, Resource Desk - Family & Medical Leave Act.

5.05 Federal Employees Family Friendly Leave Act of 1994. Federal employees may use up to 104 hours (13 days) of sick leave each leave year to care for a family member or to arrange for or attend the funeral of a family member. Forty (40) hours (5 days) of sick leave may be used for these purposes without regard to current sick leave balances. An additional 64 hours (8 days) may be used if the employee maintains a balance of at least 80 hours of sick leave. Refer to TXENet, Resource Desk - Family & Medical Leave Act.

5.06 Military Leave. Military leave, not to exceed 15 days, including weekends, in any fiscal year is granted to permanent and temporary indefinite employees who are members of military reserve

organizations when called to report for periods of active duty. This leave is apart from any accrued annual leave.

Military leave may be taken intermittently, a day at a time, or as otherwise directed under orders issued by a competent military authority. Personnel must be provided with a copy of the orders calling the employee to reserve training after the military leave time is completed.

5.07 Funeral Leave. Employees are allowed three (3) days leave not charged to annual or sick to attend funerals for the following family members: parents, spouses, children, and siblings.

5.08 Holiday Leave. The duty officer will be responsible for working holiday weeks and weekends. In the event an officer draws duty on two consecutive holiday weeks, an adjustment will be made in the duty roster. Administrative leave will be given to staff scheduled to work on skeletal crews. Refer to TXENet, Resource Desk - Federal Holidays for a listing of current year holidays.

5.09 Court Leave. Court leave may be granted to an employee if summoned to serve as a juror. Employees called for jury duty by the state court in Texas may retain the amount received for their travel and related expenses. The amount set forth by the Texas State Government to pay jurors for each day or fraction of a day is not considered a fee for services performed; therefore, the juror check need not be submitted to the Federal Government.

5.10 Administrative Leave. Administrative leave is leave not charged to annual, sick, or compensatory leave. It must be approved by the Chief Probation Officer in advance. Administrative leave may be granted when hazardous weather conditions exist, for participation in a military funeral, equal employment counseling, voting, conferences, conventions, employee assistance counseling, and blood donations.

5.11 Personal Leave. Each employee will be granted eight (8) hours of personal leave during each leave year. Personal leave must be used within the leave year. This leave must be scheduled in advance through your supervisor and must be used in an eight-hour increment.

5.12 Compensatory Leave. Compensatory time is available to all employees of the U.S. Probation Office. However, employees should be aware that the policy concerning compensatory time is not subject to provisions of the *Fair Labor Standards Act of 1938*, as amended, nor to the premium pay provisions found in Title 5 United States Code.

Compensatory time may be earned only for work ordered or approved by the Chief Probation Officer or designee in advance of the extra time being worked. The employee is to submit the request to the unit supervisor in the form of written memorandum stating the case or subject name, the nature of the work, where the work will be performed, and why it is necessary to perform the work outside of the regular work day or work week. See E/D Probation Form 4-A(a).

Credit will be given only for compensatory time worked in excess of an employee's normal daily work schedule or in excess of the normal administrative work schedule of 80 hours per pay period. Travel on official business outside of normal work hours is not creditable as compensatory time. Only one hour of compensatory time may be earned for each hour of approved additional time worked, and the compensatory time shall be accrued, recorded, and used in one-hour increments.

Compensatory time off must be used within 30 days of being accrued or automatically forfeited. In unusual circumstances, the division manager may extend the 30-day time frame at the written request of the employee. Employees must use accumulated compensatory time before using any approved annual leave, and the use of accrued compensatory time requires the advance approval of the unit supervisor in the same manner as annual leave. Payment of monetary compensation for unused compensatory time off is prohibited.

As required by 5 U.S.C. § 5550, an employee whose personal religious beliefs require abstention from work during certain recurring or occasional periods of time may elect to engage in overtime work for time lost for meeting those religious requirements. To the extent that such scheduled modifications do not interfere with the efficient accomplishment of the Probation Office's mission, the Chief Probation Officer or designee shall afford the employee the opportunity to work compensatory overtime on an hour-for-hour basis and shall grant compensatory time off for religious observances when requested. The employee may work this compensatory overtime before or after the grant of compensatory time off. A grant of advance compensatory time off should be repaid by the appropriate amount of compensatory overtime work within a period of 30 days.

Requests to work compensatory time are submitted in advance to the unit supervisor in memorandum form, E/D Probation Form 4-A(a). If the request is approved, the employee is responsible for notifying the unit supervisor once the work is completed. The supervisor will then record the compensatory time earned on the Record of Comp Time, E/D Probation Form 4-A(b), and complete and forward immediately the pink Compensatory Time Earned form, SF 71c, to the personnel specialist for entry into the leave program in order to track the 30-day rule. When the employee wishes to take compensatory time off, an SF 71 is submitted to the unit supervisor for approval in the same manner as annual leave. The supervisor will record the time taken on the Record of Comp Time form. Both the memorandum requesting to work compensatory time and the Record of Comp Time form are maintained by the unit supervisor.

**UNITED STATES GOVERNMENT
MEMORANDUM**

To: Unit Supervisor
From: (Employee)
Subject: Compensatory Time
Date: November 14, 1997

I am requesting approval to work _____ to _____ hours overtime the weekend of _____ . I will be working on presentence reports on Defendants X, Y and Z, as all of these reports are due by _____. The work will be done both at my home and in the office.

Approved: _____

Not Approved: _____

See Me: _____

Signature of Unit Supervisor

COMPENSATORY TIME EARNED

Name						
Organizational Unit	From:	Month	Day	Hour	A.M. P.M.	Total Number of Hours
Remarks:	To:	Month	Day	Hour	A.M. P.M.	
Signature of Supervisor:					Date	
<input type="checkbox"/> APPROVED						

6.00 COMPENSATION

6.01 Salary Structure. The salary structure of the Probation Office is governed by the Court Personnel System (CPS) which is a cost controlled system that enables the Court to realign staff positions within budget constraints, while providing incentives to save, and the flexibility to adjust to the changing needs of the Judiciary. The CPS Salary Table, which is available to all employees, applies to all personnel covered by the CPS. It is organized as a "level and step" table consistent with the framework of the CPS classification system. Twelve levels correspond to the classification levels (CLs) provided in the CPS classification system. The table provides a two-part salary range for each level, divided into 61 pay steps. Pay steps 1 through 24 constitute the developmental range; pay steps 25 through 61 constitute the full performance range. The broad two-part salary ranges and large number of pay steps afford considerable flexibility in pay administration. The classification level and step assigned to each individual is based upon a beginning benchmark plus numerous other factors and considerations including the complexity and responsibility of the job assignment, the knowledge, skills and abilities needed to be able to perform the duties of the position, the scope, effect and impact of the job as it relates to the goals of the unit, the latitude, guidelines and supervision available, the nature and level of personal interactions and the environmental or physical demands, risks, working conditions or other unusual conditions inherent in the job. The authority to exercise full personnel authority (classify positions, set pay, promote and otherwise administer employees), subject to cost constraints, has been delegated to the Chief Probation Officer. Under CPS, personnel resources are managed on the basis of personnel costs rather than authorized positions. The Court Personnel System (CPS) does not apply to Court Unit Executives, Type II Deputy Chiefs, Court Reporters, Pro Se Law Clerks or Chambers Staff.

6.02 Promotions. Advancing from one classification level to a higher classification level is a promotion and is not automatic. Promotions are earned based upon work performance and a beginning benchmark plus numerous other factors and considerations. These include, but are not limited to, the complexity and responsibility of the job assignment, the knowledge, skills and abilities needed to be able to perform the duties of the position, the scope, effect and impact of the job as it relates to the goals of the unit, the latitude, guidelines and supervision available, the nature and level of personal interactions and the environmental or physical demands, risks, working conditions or other unusual conditions inherent in the job. Furthermore, under budget decentralization, all promotions are now funded locally, and are, therefore, subject to sufficient local budgetary allotments, the overall constraints of the Cost Control Monitoring System, and are dependent upon other budgetary considerations.

6.03 Step Increases Within Classification Level. Step increases within a Classification Level depend upon whether an employee is in the Development Range (steps 1 through 24) or the Full Performance Range (steps 25 through 61). While in the Developmental Range, progression from steps 1 through 24 is largely dependent on how fast and how well the employee learns the

requirements of the total job. Progress is assessed by a written evaluation at the end of each 13th pay period. Depending upon the evaluation and cost constraints, the employee may be retained at their current pay step or advance as much as 18 pay steps.

- ◆ Unacceptable Progress: 0 steps
- ◆ Limited Progress: 2 to 5 steps
- ◆ Expected Progress: 6 steps
- ◆ Exceeding Expected Progress: 7 to 18 steps

When in the Full Performance Range, progression is based on an acceptable level of performance. The employee must meet standards in all critical areas of job performance. The number of steps for annual increase is determined by the step level of the employee.

Assuming an acceptable level of performance:

- ◆ an employee within the 25 to 36 step level will receive a 4 step increase per year;
- ◆ an employee within the 37 to 54 step level will receive a 2 step increase per year;
- ◆ an employee within the 55 to 60 step level will receive a 1 step increase per year.

The basic eligibility requirement for the longevity bonus is that an employee spends 52 weeks of acceptable performance in the maximum step rate of a CL, i.e., step 61. The amount of the bonus will be one percent of the annual pay. All other eligibility requirements remain the same.

7.00 AWARDS

7.01 Cash Awards Program. The Eastern District of Texas Cash Awards Program is designed to recognize outstanding achievement by individuals in the performance of their duties. Among the objectives of the program are:

- ❖ To recognize exceptional performance or service;
- ❖ To improve morale and to inspire greater achievement;
- ❖ To encourage innovative thinking.

I. Categories

Distinguished Service Award is for significant contributions that benefit the Court as a whole.

Standard of Excellence Award is for contributions in a specific area that have led to improved efficiency in that job area.

Achievement Award is for a high level of performance in and beyond assigned job function.

The Chief U.S. Probation Officer, with the assistance of the Deputy Chief U.S. Probation Officer, administers this program.

Each supervisor is allowed to nominate one person in each of the three award areas. After receiving all nominations, the Chief and Deputy Chief select award recipients. The awards are designated primarily for line officers and support staff. However, if in any particular year, a supervisor has done an outstanding job, either the Chief or Deputy Chief may nominate that supervisor.

Any employee who receives an acceptable performance rating is eligible for nomination for a cash award.

Recipients of cash awards will receive a certificate as well as a cash award honoring their accomplishments.

The nominations should specify which category of award is recommended (Distinguished Service Award, Standard of Excellence Award or Achievement Award). The criteria for determining the award recipients, should only include:

- A. Sustained performance above normal job requirements.
- B. Exceptional performance with regard to a particular assignment.
- C. Meritorious work performance.

1.05 Punctuality. Employees should be ready to work, at their specified times, unless otherwise scheduled by their supervisor. Regular attendance and punctuality are expected. Habitual absenteeism or tardiness may result in reprimand, suspension, or dismissal.

1.06 Dress Code and Appearance. Employees are expected to dress in a professional, business-like manner.

For male U.S. Probation Officers and Officer Assistants, this requires a coat and tie. For female U.S. Probation Officers and Officer Assistants, this requires a business suit (jacket with skirt or slacks) or a dress. When a probation officer or officer assistant has scheduled field travel, he/she may dress more casually as deemed appropriate.

For male support staff, employees will report for duty wearing a coat and tie. Female support staff will report for duty wearing acceptable business attire.

Extremes of fashion and style are not considered acceptable office attire.

1.07 Conducting Business During Working Hours. Conducting a business for profit during working hours is strictly prohibited. However, employees may leave brochures or descriptive materials in a designated area for reading during a break or lunch hour. Any unauthorized use of court facilities, equipment, supplies or resources for personal or outside matters unrelated to court business is strictly prohibited.

1.08 Travel. All persons should keep a record of expenditures properly chargeable to the Government, noting each item at the time the expense is incurred and the date. The traveler will show the purpose and date of travel, and points at which official travel is performed. Probation officers and probation officer assistants will use Prob 17 and itemize travel in chronological order. Claims for reimbursement should be submitted to the office coordinator upon completion of field travel for the month.

AO and FJC sponsored trips should be submitted to the office coordinator upon return to duty station and should include identification of training.

Effective June 7, 1996, the rate of 31¢ per mile may be claimed for official travel. Effective January 1, 1997, the standard overnight per diem rate is \$80.00. This rate applies to all locations unless specifically listed in the rate schedule table. Partial per diem is \$38.00 on the last day of travel and \$9.50 per quarter. An employee must travel at least 30 minutes in a beginning or ending quarter to receive compensation for partial per diem. The maximum partial per diem is limited to three quarters (\$28.50).

Frequently used overnight per diem rates . . .

◆ Beaumont	\$ 80
◆ Lufkin	\$ 80
◆ Marshall	\$ 80
◆ Plano	\$ 92
◆ Sherman	\$ 80
◆ Texarkana	\$ 80

◆ Tyler	\$ 90
◆ Dallas	\$136
◆ Houston	\$117
◆ New Orleans	\$130
◆ Washington, D.C.	\$168
◆ San Antonio	\$125

Use of Scheduled Air Transportation: Employees will be required to travel using scheduled air carriers in those instances where it is determined that time and/or scheduling constraints make it impractical to travel by other means or when air transportation is more economical than alternate modes of travel. Office coordinators are responsible for making airline reservations through National Travel Service.

Texas Occupancy Tax Exemption - On April 30, 1996, a Texas State court ruled Federal employees, performing official travel, must not be assessed hotel occupancy tax while lodging in Texas on official government business. The *Texas Hotel Occupancy Tax Exemption Certificate*, available from the office coordinator, should be copied and provided to the hotel.

1.09 Release of Information and Contact with the News Media. All records and information gathered and maintained by U.S. Probation Officers and Probation Officer Assistants in connection with their duties as an officer of the Court, are the property of the Court and under the Court's control. Information released is to be done under the following rules:

- A. **News Media** - All inquiries from the news media are to be directed to the officer in charge of the duty station. Unless otherwise directed by the Chief Probation Officer, the supervising officer is to release only information that is a matter of public record. Any other request for information by the news media is to be directed to the Chief Probation Officer.
- B. **Law Enforcement and other Government Investigative Agencies** - Probation officers and probation officer assistants may release information to law enforcement and other government agencies if, in the officer's judgment, there is a legitimate need for such information. The release of information under these circumstances is to be documented, including the name of the agency and the reason for the release of the information.
- C. **Other Inquiries** - Within the guidelines of confidentiality regulations, probation officers and probation officer assistants, at their discretion and with proper documentation, may release information if, in their opinion, it is necessary to other interested individuals, including family members of probationers, employers, etc.

Generally, the Cash Award recipients are selected in July of each year based upon the meritorious work conducted during the preceding 12 months. All nominations must be received by the Chief and Deputy Chief for consideration.

II. Funding

Under budget decentralization, funding for the Cash Awards Program comes from each Court's general appropriated funds. The availability of funds for the Cash Awards Program might vary for each fiscal year, depending upon other budgetary obligations.

7.02 Career Awards. Career Awards are presented to employees for periods of continuous service with the Federal Government beginning with five years and proceeding upwards in five year increments (10, 15, 20, etc.). Continuous service is based upon the employee's service computation date and is defined as service uninterrupted by other employment. Breaks in service of up to six months (e.g., for maternity leave) do not defeat continuity. Service in another branch of the government will be considered for this award. If you transfer from another federal agency, this is deemed a continuation of employment with the Federal Judiciary. Any employee with the requisite amount of service is eligible for a Career Award. The personnel specialist is responsible for notifying the supervisors of employees eligible for Career Awards. Career Awards are in the form of service pins. Employees with 25 years of service or more are eligible for engraved certificates from the Court.

8.00 STANDARDS OF PERFORMANCE AND EVALUATION

8.01 Performance Planning, Feedback and Assessment. Every employee has the right to know how well they are performing assigned duties on a regular basis. While performance strengths and weaknesses will be discussed informally as the need arises, an assessment will be prepared by the supervisor and discussed with the employee thirty (30) days prior to the end of the sixth and twelfth month after a promotion or a transfer to a new assignment. The focus is on the process of personnel management, not simply the appraisal instrument. Employees begin with the benefit of a clear perception of the performance expected, and the manager offers experience, guidance and coaching throughout each year to assist the employee to develop the ability to meet designated goals and objectives.

The formal performance assessment is prepared for the following purposes:

- A. To appraise the employee's performance relative to specific job duties and responsibilities in terms of quality and quantity of work performed.
- B. To assist the employee in identifying performance strengths and weaknesses.
- C. To provide positive methods for improving performance areas that are not meeting standards.
- D. To give recognition for work well done.
- E. To open lines of communication between the employee and the supervisor.
- F. To determine salary increase and promotional eligibility.
- G. To identify the employee's accomplishments toward achieving objectives set at prior appraisals.
- H. To provide a history of work performance.
- I. To determine the employee's career objectives and initiate formal or informal training to assist the employee in achieving his/her objectives.

The performance planning process will include setting goals to meet career objectives, and a portion of the written plan should include the goals to meet objectives set by the employee and supervisor during performance discussion.

The ratings are made by the supervisor, then reviewed by the Chief or Deputy Chief.

Employees who receive an overall performance rating of *meets performance standards* will receive step increases when eligible. Employees who receive an overall performance rating of *does not meet performance standards*, will not receive step increases until such time as their performance is at an acceptable level.

Employees who receive a performance rating of *does not meet performance standards* may appeal their performance rating in conjunction with the probation office's adverse action policy, described in Section 9.03 of this manual.

8.02 Performance Appraisal Instrument. The first section of the instrument concerns the employee's major duties and responsibilities. Employees are evaluated as to whether they *meet*, *do not meet*, or *exceed* various performance standards in regard to performance elements, both critical and non-critical. A performance standard is a measure, established by management, of the level of achievement for the duties and responsibilities of a position. It measures accomplishments for a performance element during a specific period of time. A performance element is a major duty or responsibility which is important to the success or failure in the position. A critical performance element is one so crucial to the success of the position that unsatisfactory performance of it constitutes failure in the position no matter how well the employee performs in the other elements. Performance below a legitimately established standard requires remedial action and denial of a within-level increase and may be the basis for removing or reducing the CL level or terminating the employment.

The second section of the instrument concerns the employee's accomplishments and/or improvements that have occurred since the previous evaluation. All training received during the evaluation period is listed. Anything meriting special mention in this section lends weight to a positive overall rating. An evaluator might use significant accomplishments to tip the scale positively in the overall evaluation when it would otherwise be on the line between *meets performance standards* and *exceeds performance standards*. These accomplishments cannot overcome the rating of *does not meet performance standards*.

The "Next Years's Goals/Development Plan" section requires that specific goals be established, by mutual agreement of the supervisor and the employee, which may include new and better ways to carry out job responsibilities, improve performance, obtain training, and plan for personal development.

The "Overall Evaluation" section contains the supervisor's rating and a section for employee comments. The employees are highly encouraged to utilize the Comments section. The last section allows for the "Comments of the Chief or Deputy Chief" and signature lines for the approval of the evaluation and the development plan.

9.00 GRIEVANCE PROCEDURES AND DISCIPLINARY ACTION

9.01 Grievance Procedures. This plan provides just and equitable methods and procedures by which all employees may present grievances and have them considered. This plan is designed to provide a timely and equitable resolution of grievances for all employees of the Court.

This plan is not a substitute for the normal "supervisor-employee relationship." Employees are expected and encouraged to talk freely with their supervisors on matters that affect their duties and working conditions. Employees have a right to bring questions and complaints to their supervisors; in turn, supervisors are expected to make themselves available to employees for matters under their jurisdiction.

A. Definitions.

1. **Grievance.** A grievance is an oral or written request by an employee or a group of employees acting as individuals for personal relief in a matter of personal concern or dissatisfaction relating to the employment of the employee(s) that is subject to the control of the Probation Office. These include, but are not limited to, improper working conditions, employee-supervisor relationships, duty assignments, or alleged coercion, reprisal, or retaliation by coworkers or management personnel relating to your employment.

The following matters are not covered under the grievance procedure: retirement and other benefit programs, the content of the Court's procedures or regulations, the nonselection for a promotion or duty assignments or matters affecting pay.

2. **Employee.** An employee is a person employed by the Probation Office on a permanent or temporary basis. A grievance by a former employee of the Probation Office is acceptable provided it involves a matter relating to former employment subject to control of the office management and involves a specific personal remedy directly benefiting the grievant which can still be provided.
3. **Personal Relief.** A personal relief means a specific remedy directly benefiting the grievant(s) and may not include a request for disciplinary or other action affecting another employee.

4. **Grievance Officer.** The grievance officer for the Probation Office is the Chief Probation Officer. The grievance officer oversees the formal stage of the grievance, when necessary.

B. Employer's Obligation.

Every officer, employee, or supervisor of the Probation Office is prohibited from denying an employee the opportunity to present a grievance or subjecting an employee who desires to file a grievance to threats, duress, harassment, or any overt or covert acts of reprisal.

C. Grievance resolutions are to be disposed of in a two-tiered procedure, an informal and formal procedure.

1. **Informal Procedure.** An employee who has a grievance should first report it to his/her immediate supervisor. Every employee and supervisor should make a reasonable effort to find an acceptable solution by informal discussion. This procedure shall be a prerequisite to the filing of a formal, written grievance. In situations where the nature of the problem involves the immediate supervisor, the employee may initially file a formal grievance with the head of the appropriate division.
2. **Formal Procedure.** In the event the employee is dissatisfied with the immediate supervisor's decision, he or she may, within five (5) working days of being notified of the supervisor's decision, file a written record of the grievance with the Chief Probation Officer or his designee and request a conference concerning the grievance. Failure to file the required written grievance within the five (5) working days requirement (notwithstanding exceptional circumstances) negates the employee's right to invoke the formal grievance procedures.

It is the obligation of the grievant employee to:

- a. Comply with prescribed time limits;
- b. Furnish sufficient details to clearly describe the matter being grieved; and
- c. Specify the personal relief requested.

Upon receipt of a formal written grievance, the Chief Probation Officer shall offer the employee filing the grievance a conference within ten (10) days of receipt of the written grievance. In circumstances where an extensive investigation may be required to gather necessary data, the initial time for a conference with the employee may be extended an additional ten (10) days.

Within five (5) working days after the conference with the employee, the Chief Probation Officer shall notify the employee in writing of his decision. The Chief U.S. Probation Officer's decision in grievance matters shall be final and not subject to appeal.

9.02 Disciplinary Actions. This section is intended to provide the basis for fair and equitable procedures for correcting deficiencies in employee performance and/or conduct.

The following constitutes areas where imposed corrective, disciplinary, or adverse actions would be valid. This list does not exhaust all possible grounds for disciplinary action, nor does it imply that the Chief is obligated to take formal disciplinary action if any employee commits any of these offenses. It merely represents the kinds of offenses for which action may be taken.

- ◆ Criminal Conduct
- ◆ Abandonment of position
- ◆ Absence from duty without leave
- ◆ Below standard work performance
- ◆ Discourteous treatment of other employees or the public
- ◆ Use of intoxicating beverages or controlled substances or being intoxicated while on official duty
- ◆ Insubordination
- ◆ Neglect of duty
- ◆ Fraud in securing appointment or promotion
- ◆ Misuse of federal property, funds, or records
- ◆ Excessive tardiness
- ◆ Physical violence
- ◆ Theft
- ◆ Violation of confidentiality
- ◆ Sexual harassment
- ◆ Violation of any district policy

A. Informal Disciplinary Action.

Informal disciplinary actions are an attempt to handle problems before they seriously hamper an employee's effectiveness. Oral warnings are generally the first step taken

on the supervisor's initiative in situations of a minor nature involving unsatisfactory job performance, the violation of a rule, regulation, standard of conduct, safety practice, or authorized instruction. The employee is interviewed and advised of the specific problem/infraction or breach of conduct, when it occurs, and is permitted to explain the conduct.

The oral admonishment is an informal process and shall not be made a matter of record for enclosure in the employee's personnel file. Informal oral admonishments are generally made at the time of the offense or immediately upon the supervisor's knowledge that the offense has occurred.

B. Formal Disciplinary Action. A progressive disciplinary system is normally utilized. However, if the violation or offense is of such a serious nature that more severe disciplinary action is required, the necessary action will be taken.

1. **Official Reprimand.** An official reprimand is a formal disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Formal disciplinary actions are taken when the employee either did not respond to the informal efforts or the nature of the problem requires a more severe response from management. Formal actions become part of the employee's personnel record and the notice of the action may be purged from the file three years after the event unless subsequent infractions have occurred within that three-year period. An official reprimand is composed of the following steps:

a. **Oral Warning.** The oral warning is a verbal notice to the employee that the performance or behavior must be improved. The warning defines the areas in which improvement is required, sets up goals to achieve improvement and informs the employee that failure to improve will result in more serious action.

b. **Written Notice (Letter of Reprimand).** A formal notice to the employee documenting unacceptable performance or behavior and advising of the possibility of further disciplinary action or potential consequences for failing to improve performance or correct unacceptable behavior.

9.03 Adverse Action. Adverse action is a personnel action which adversely affects an employee's pay or position. The following described personnel actions are considered adverse actions and are governed by the adverse action procedures contained herein.

- A. **Suspension.** A suspension is a temporary, enforced absence from duty in a non-pay status which may be imposed for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action. It penalizes not only the offending employee, but production as well since the services of the employee are lost during the suspension period. Since the objective is to correct and not punish, the reprimand is normally used. However, there may be facts and circumstances in an individual case which require more stringent action to impress the employee with the necessity of improvement or correction. Suspension will generally result after a series of informal and formal reprimands have advised the employee of the need for improvement.

Emergency suspensions are made when circumstances are such that the retention of the employee in an active duty status may result in damage to government property or may be detrimental to the best interest of the Court or injurious to the employee, fellow workers, or to the general public. Emergency suspensions are made pending the outcome of proposed dismissal.

- B. **Performance Rating Which Results in the Denial of a Step Increase.** This action can be imposed if the employee fails to meet standards in one or more areas on the employee evaluation. Prior to initiating this action, the employee shall have been advised of his/her deficient area and given an opportunity to improve the below standard performance.
- C. **Reduction in Rank or Pay (Demotion).** This action is normally imposed in lieu of removal when the employee is found to be inefficient in his/her position and is reduced in grade to a position where it is determined that the employee can perform competently or when an employee is in a supervisory position and is found to be unable to perform supervisory duties and responsibilities and is demoted to a nonsupervisory position.

An employee who has been demoted will be eligible for consideration of promotion only after receiving a satisfactory performance rating. The Chief is not required to initiate this action in lieu of termination if the reclassification would be detrimental to the probation office.

- D. **Removal.** Removal is the most severe type of adverse action since it not only removes the employee from the job, but may bar that employee from future federal employment. Prior to initiating removal proceedings, the facts and circumstances must support the conclusion that the employee has clearly demonstrated unsuitability for continued employment, or has demonstrated unwillingness or refusal to conform to agency standards.

Before initiating adverse actions against an employee for poor performance, the employee shall have been warned about the shortcomings and warned of the consequences of failure to improve. A separation for poor performance may not be based solely upon the employee receiving an unsatisfactory performance rating unless the employee has been given an opportunity to improve deficient areas and has failed to demonstrate the ability to meet standards in critical areas of job performance.

Disciplinary removal is seldom imposed for a first offense unless the conduct is of such a serious nature that no other recourse is appropriate. Employees should be aware of the rules and the potential penalties they may expect when rules are violated.

9.04 Adverse Action Procedures. The Chief Probation Officer shall prepare a letter or memorandum to the employee citing all pertinent information which justifies the adverse action, advising the employee of the nature of the adverse action proposed and the date on which it is proposed to be effective. The notice of adverse action shall also advise the employee of his or her right to make a written request of the Chief Judge or his designee within ten (10) days of receipt of the notice for a hearing. The notice shall also advise the employee of his or her right to representation at the hearing, the right to confront adverse witnesses and present evidence and arguments. In the event the employee fails to make a written request within the ten-day time period for making a request for a hearing before the Chief Judge or his designee, the employee shall be deemed to have abandoned any further claim for a hearing and the proposed adverse action shall take effect on the date stated in the notice of proposed adverse action.

In the event an employee requests a hearing before the Chief Judge or his designee, the hearing will be attended by the employee, the employee's representative, if any, the Chief Probation Officer, and the Chief Probation Officer's representative. Each party may present witnesses, documents and make statements, if desired. At the conclusion of the hearing, the Chief Judge or his designee shall make a decision as to whether or not the proposed adverse action shall be put into effect. The decision is final without further administrative review.

Within ten (10) working days of the conclusion of the hearing, all interested parties shall be advised in writing of the Chief Judge's or his designee's decision. In the event the proposed adverse action is found to be without merit, all documents generated by the proposed action shall be removed from the employee's personnel file. In the event the proposed adverse action is affirmed, all documents shall remain part of the employee's permanent personnel file.

10.00 PERSONNEL

10.01 Recruitment and Selection. The U.S. Probation Office is an Equal Employment Opportunity employer and will seek qualified applicants who reflect the make-up of all such persons in the relevant labor market. The following procedures are applicable to the selection and filling of U.S. Probation Office vacancies:

A. Utilizing the Court Personnel System (CPS).

A position is properly classified as to classification level and step on the basis of a beginning benchmark plus numerous other factors and considerations including the complexity and responsibility of the job assignment, the knowledge, skills and abilities needed to perform the duties of the position, the scope, effect and impact of the job as it relates to the goals of the unit, the latitude, guidelines and supervision available, the nature and level of personal interactions and the environmental or physical demands, risks, working conditions or other unusual conditions inherent in the job.

B. Announcement of Position Vacancy.

All new positions, vacant positions, temporary positions, and anticipated position vacancies will be announced. Exceptions to this policy may be made by the Chief U.S. Probation Officer for temporary positions during periods of urgent business.

C. Areas of Consideration.

The Chief U.S. Probation Officer may wish to limit the area of consideration to internal candidates only. Such announcements will be posted for a minimum of seven days. If the Chief U.S. Probation Officer determines that a wider area of consideration or external search is needed, the announcement of a position vacancy may be given the widest area of recruitment, e.g., city, county, state, or nationwide level. In the event of an external search, the announcement for position vacancy will be posted for a minimum of ten days in the Probation Office, and will be publicized for any length of time as deemed appropriate by the Chief U.S. Probation Officer.

D. Internal Openings and Promotions.

All new or vacated existing positions, including positions that provide for a promotional appointment, will be advertised to existing staff. The announcement will include a job description, location, required qualifications, and a closing date for receiving applications. Internal candidates should submit a letter which specifies the

employee's interest, along with the employee's pertinent skills and abilities for this position to the Chief U.S. Probation Officer.

E. Intra-District Transfers.

The existence of new or vacated positions in any office in the district will be advertised to existing staff. Those wishing to be considered for a transfer will file a request for transfer with the Chief U.S. Probation Officer within ten days of notification of vacancy.

While individual requests will be given consideration in intra-district transfers, primary consideration will be the professional need of the division office and the district as a whole.

F. Applicant Screening.

The personnel specialist will be responsible for the receipt of applications and resumes from prospective candidates. The personnel specialist will screen all applications from prospective candidates by utilizing the qualification standards as set forth in the Court Personnel System (CPS) and other job requirements. As a result of this screening, applicants will be judged either "qualified" or "nonqualified."

G. Selection Process.

The supervisor(s), Deputy Chief and/or Chief U.S. Probation Officer, will interview the top ranked candidates. Standard interview discussions will include job-related factors, candidates' experience, and other pertinent questions. The responsibility of the supervisor(s) is to evaluate the candidates' qualifications and abilities to perform the duties of the position satisfactorily. Therefore, all ranking and rating of candidates are to be based solely on job-related factors.

H. Reassignment.

In the event the Chief U.S. Probation Officer feels the organization can best be served by appointing an existing employee to a position of newly created or reassigned responsibilities, the Chief U.S. Probation Officer may select and appoint an individual to fulfill the responsibilities. Employees will be promoted according to their experience, training, and demonstrated ability to perform duties of a high level. The probation office will seek, insofar as reasonably practicable, to improve the skills and abilities of its employees through cross-training, job restructuring, assignments, details, and outside training.

I. Employment Tests.

The applicants may be required to complete job-related tests.

J. Reference Checks.

The personnel specialist, or other official as designated by the Chief U.S. Probation Officer, may make inquiries as to previous work history, work performance, and character, for the top ranked candidates. The selection may be affected as a result of these reference checks.

K. Credit Bureau Checks.

It is the responsibility of the supervisor(s) who interview the selected applicants to inform each applicant a credit check will be conducted. The applicant must provide their Social Security number and sign Prob 11J authorizing the Credit Bureau to release information. The Prob 11J will remain in the applicant's file. An unfavorable credit history may result in disqualification of an applicant.

L. Criminal History Checks.

All applicants are subject to a criminal history check. A criminal record may result in disqualification of an applicant.

M. Interview by the Chief U.S. Probation Officer.

The Chief U.S. Probation Officer may choose to interview and/or select one or more of the top ranked candidates or may accept the final recommendation of the supervisor(s) to fill the vacancy. At the discretion of the Chief U.S. Probation Officer, a list may be created which ranks all qualified candidates. This list may be used to fill any similar vacancy which occurs within a one-year period. The probation office will make its hiring decisions strictly upon an evaluation of a person's qualifications and ability to perform the duties of the position satisfactorily.

N. Notification.

Selected candidates will be notified by the personnel specialist and an entrance-on-duty date will be established. Candidates who are tested and not selected will be notified of their status by letter and their application will remain on file for one year for further consideration until a similar vacancy occurs.

10.02 Employee Orientation. Each new employee will complete a formal orientation. During this process, the new employee will be given a personnel manual, introduced to court staff, given a tour of the facilities, and given an overview of the court process. The employee will also be provided information on employee benefits.

10.03 Probationary Period. Each newly appointed, promoted or a reassigned employee will serve a six-month probationary period in the position appointed. A written performance appraisal will be conducted by the supervisor 90 days after the hire date.

Continuous verbal evaluation and feedback will be provided to the employee during the probationary period. An extension of the probationary period, not to exceed 90 days, may be granted at the discretion of the Chief U.S. Probation Officer upon recommendation of the supervisor.

An employee who fails to perform his/her duties satisfactorily after the six-month probationary period may be subject to disciplinary actions. An employee may be dismissed at any time for failure to perform duties properly, or for any other sufficient cause during the probationary period.

10.04 Personnel Files. All personnel files are treated as confidential but may be viewed by the employee upon request to the personnel specialist. If an employee wishes to view his/her folder, he/she should contact the personnel specialist and make arrangements. It is necessary for the employee to view the folder in the personnel specialist's office and denote any item and/or document(s) he/she wants copied. The personnel specialist will copy the items for the employee. In instances where the employee is located in an office separate from the personnel specialist, the employee should contact the personnel specialist and arrangements will be made with the employee and employee's supervisor for viewing the personnel file.

10.05 Resignation. While a minimum of two weeks notice should always be given, any employee who anticipates resigning should notify the supervisor as soon as possible. This will facilitate recruitment and training of a replacement. An employee will not be penalized for announcing an intention to resign. All employees who intend to resign are required to submit a letter of resignation.

The Leave Act does not authorize payment for accrued compensatory time or sick leave. If transferring to another federal agency without a break in service, you will maintain the sick and annual leave balances accrued at the time the separation occurs. Compensatory time is not transferrable.

If an employee is enrolled in a health benefits program and/or a life insurance program, coverage remains in effect for 31 days following separation. The personnel specialist will send temporary continuation of coverage benefits information to the employee's forwarding address. If an employee is transferring within federal service, the health benefits coverage and/or life insurance program remains the same.

An employee may also request a refund of any money paid into the Civil Service Retirement System or the Federal Employee Retirement System. When transferring to another federal agency, CSRS or FERS contributions transfer with the employee.

An exit interview may be conducted by the personnel specialist on or before the employee's last working day. An employee should be prepared to turn in his/her employee manuals, identification card, card key pass, and any office keys in his/her possession. All resignation procedures will be explained at that time.