

GENERAL ORDER NO. 90-26

Superseded by G.O. 98-3

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 31 1990

MURRAY L. HARRIS, CLERK

BY
DEPUTY

Jay Vandiver

**INTRA-DISTRICT POLICY
U. S. PROBATION OFFICE
EASTERN DISTRICT OF TEXAS**

GENERAL ORDER

The U. S. District Court of the Eastern District of Texas hereby adopts the following as the governing policies for the U. S. Probation Office, Eastern District of Texas, subject to amendments. These policies are inclusive but not exclusive of other rules and regulations which may be contained in statutes or administrative directives from the Administrative Office of the U. S. Courts.

Entered for the Court this 31st day of October, 1990.

Robert M. Parker

Robert M. Parker

Chief Judge

Policy 1: 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.

Policy 2: Employment of Personnel

The Chief Probation Officer will accept applications for employment and maintain a file for active applications. When a position becomes available, the Chief Probation Officer will screen suitable applicants, insure they meet required standards, make a selection, and present the selection to the U. S. District Judge designated as the Liaison Judge to the U. S. Probation Office for confirmation.

Policy 3: 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.

Additionally, U. S. Probation Officers are governed by the Code of Conduct for United States Probation and Pretrial Service Officers adopted by the Judicial Conference of the United States on 09/22/78. This Code of Conduct is found in Chapter X, subchapter 1735.3 of the Guide to Judiciary, Policies and Procedures as well as in the appendix of this manual. Failure to abide by this Code of conduct will be grounds for adverse action including termination.

Policy 4: Conflict of Interests and accepting Gifts, Services, or Anything Else of Value

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 and parolees, but other individuals who might have a direct interest in a case, including attorneys, relatives, or individuals who perform contract services for the Government.

Policy 5: Work Performed Outside the U. S. Probation Office and After Regular Office Hours

Employees may engage in outside work for financial gain if the following criteria is met:

The activity in no way conflicts with the officer's usual work, there is no reasonable foreseeable conflict of interest, and the officer 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. Part time work such as private investigator, security guard, etc., is not to be performed by U.S. Probation Officer Personnel.

Policy 6: Carrying of Firearms by U. S. Probation Officers

U. S. Probation Officers are authorized to carry a firearm only in compliance with the policy set by the Judicial Conference and adherence to additional requirements and conditions outlined in the Firearms Policy of the Eastern District.

Policy 7: Dress of U. S. Probation Office employees U. S. Probation Officers:

Officers shall report for duty dressed appropriately. For male officers this requires a coat and tie. For female officers, this requires accepted business attire. When an officer has scheduled field travel, he/she may dress more casually as deemed appropriate.

Clerical and Support Staff: Male employees shall report for duty wearing a coat and tie. Female employees shall report for duty wearing acceptable business attire.

Extremes of Fashion and Style: Extremes of fashion aand style including blue jeans are not considered acceptable office attire.

Policy 8: Release of Information and Contact with the News Media

All records and information gathered and maintained by the U. S. Probation Office 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:

(1) 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.

(2) Law Enforcement and other Government Investigative Agencies - Probation Officers may release information to law enforcement and other government agencies if, in the officer's judgement, 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.

(3) Other Inquiries - Probation Officers, 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.

Policy 9: Grievances

A grievance is a complaint by an employee or employees regarding personnel practices, working conditions, facilities, working relationships concerning employees or supervisor-employee relationships, wherein it is alleged that there has been prejudiced treatment accorded to the person or persons alleged to have been aggrieved. In general, duty assignments not resulting in loss of pay, demotions or other such similar actions are not to be considered grievable actions.

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

Informal Procedure: An employee who has a grievance shall first attempt to resolve the complaint with his or her immediate supervisor through informal discussions. This procedure shall be a prerequisite to the filing of a formal written grievance.

Formal Procedure: In the event the employee is dissatisfied with the immediate supervisor's decision, he or she may within (5) working days of being notified of the supervisor's decision file a written record of the grievance with the Chief Probation Officer and request a conference concerning the grievance. Failure to file the required written grievance within the five (5) working days requirement (not withstanding exceptional circumstances) negates the employee's right to invoke the formal grievance procedures.

Upon receipt of a formal written grievance, the Chief Probation Officer shall offer the employee filing the grievance a conference within 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 10 days.

Within 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.

Policy 10: Adverse Action

Adverse action is a personnel action which adversely affects an employee's pay or position. It includes such personnel actions as removal or involuntary termination (other than the abolishing of a position); suspension with or without pay; involuntary reassignment to a lesser position; or a performance rating which results in the denial of a within-grade increase.

The following procedure shall be followed in adverse action proceedings:

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 as 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 10 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. This 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 pertaining to the adverse action shall remain part of the employee's permanent personnel file.