

FILED

JUL - 2 1998

CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RE:)
))
ADOPTION OF ADVERSE)
ACTION PROCEDURE FOR)
UNITED STATES PROBATION)
OFFICERS)
_____)


GENERAL ORDER NO. 357

Good cause appearing.

IT IS HEREBY ORDERED that the Adverse Action Procedure for United States Probation Officers, attached hereto, is hereby adopted.

DATED: July 2, 1998.

FOR THE COURT:



WILLIAM B. SHUBB, Chief Judge
Eastern District of California

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA
ADVERSE ACTION PROCEDURE FOR
UNITED STATES PROBATION OFFICERS

- I. Scope. This procedure has been adopted by the United States District Court for the Eastern District of California, to cover proposed removal of compensated probation officers.

- II. Definitions. As used herein, the following terms have these meanings:
 - A. Adverse Action: The removal, for cause of a compensated probation officer.
 - B. Appointing officer: The Court.
 - C. Presiding Officials: The Court, or the person designated by the Court to preside at the hearing.

- III. Effective Date. This procedure shall apply to an adverse action proposed on or after the date set forth below. The procedure shall remain in force until further order of the Court.

- IV. Notice. Prior to the effective date of a proposed adverse action, the appointing officer shall give the officer against whom the action is proposed reasonable written notice. Such notice shall include the following:
 - A. A description of the proposed adverse action and the reasons for it.
 - B. The proposed effective date of the action.
 - C. Notice of the right to respond in writing and to request a hearing, and the date by which such a request must be made.
 - D. Notice of the right to be assisted in the preparation of a response and at a hearing, if requested, by a representative of the officer's own choosing.

- V. Hearing. If requested, a hearing shall be held prior to the effective date of the adverse action.
- A. The presiding official shall afford the officer or his or her representative an opportunity to comment on the proposed action and to offer relevant data.
 - B. The hearing, which need not be formal, will be conducted in such manner and at such time and place as the presiding official determines. The presiding official may determine if the hearing is to be open to persons other than the officer, his or her representative, and a representative of the probation office.
 - C. The presiding official shall arrange for a record of the hearing to be made.
- VI. Review. The removal of a probation officer is subject to approval by the Court.
- VII. Notice of Decision. Upon a final decision of the Court, written notice of any adverse action will be provided to the officer. The notice shall contain the following:
- A. The nature of the adverse action and its effective date.
 - B. The reasons supporting the adverse action.
 - C. A statement that the decision is final.
- VIII. Expedited Removal of Officer. If the Court determines that the continued presence of the officer in the workplace during the pendency of adverse action proceedings may pose a threat to the individual, fellow workers, or the public; result in loss of or damage to government property, records or documents; adversely affect the day-to-day operation of the Court; or otherwise jeopardize government interests, the Court may take such action as is appropriate to address the problem.

ADOPTED:



Honorable William B. Shubb
Chief United States District Judge

7/1/98
Date