

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER NO. 93-13

IN RE:

**APPOINTMENT OF THE DISTRICT EXECUTIVE
AS HEARING OFFICER IN TERMINATION APPEALS**

CLERK OF COURT
S/O

93 FEB 14 AM 10:38

FILED BY



Previously, the Chief Judge, or his designee, has acted as the Adverse Action Hearing Officer when an adverse personnel action was taken by a court unit executive which resulted in a subordinate's termination. In light of the district's growth to more than 500 employees, the time spent reviewing and hearing such appeals has impacted the workload of the Court. At the request of the court unit executives, the Chief Judge has carefully considered and hereby endorses their recommendation to establish a level of intermediate appellate review, between the unit executives and the Chief Judge, for the purpose of investigation, consultation, and recommendation. It is therefore

ORDERED, the District Executive shall serve as Adverse Action Hearing Officer for appeals of all employee terminations which, heretofore, would have been directed to the Chief Judge pursuant to Section VII, **Grievance Procedures and Corrective, Disciplinary and Adverse Action Procedures** of the Personnel Manual of the United States District Court for the Southern District of Florida. It is further

ORDERED, the manager of the district's Personnel and Training Section shall revise Section VII of the district's Personnel Manual to reflect this new level of review. Additionally, the revised section shall describe the duties and responsibilities of the Adverse Action Hearing Officer as follows:

- Receives the initial request for an administrative hearing within five business days of the employee's receipt of the notice of proposed adverse action.
- Within five business days of the receipt of the request for an administrative hearing, gives notice to each party in the action of the date, time and place of the administrative hearing. The hearing should be scheduled

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within a reasonable amount of time from receipt of the request for hearing, not to exceed 20 business days.

- Investigates and consults as necessary for the purposes of fact finding.
- Presides at the hearing which is an administrative procedure wherein the circumstances surrounding the adverse action are reviewed. **The hearing is a forum for presenting mitigating factors and a means of ensuring the final decision is not based on any factual inaccuracies. The hearing is not intended to be an adversarial proceeding or a formal trial.**
- Decides the manner in which the hearing will be conducted, whether witnesses may be presented, and the necessity of making a record.
- Within 20 business days following the hearing, prepares a written report to the parties identifying the issues, and describing his findings of fact, conclusions and recommendations, and defining what corrective actions, if any, shall be undertaken.
- If either the terminated employee or the respective unit executive objects to the findings and recommendations of the Adverse Action Hearing Officer, such person(s) may file a written request with the Chief Judge to have the matter reviewed.
- All requests for review of the Adverse Action Hearing Officer's findings must be submitted within five business days following receipt of the report.
- In the event an employee of the Office of the District Executive is terminated as the result of an adverse personnel action, and the employee appeals the action, the Chief Judge shall appoint either the Clerk of Court,

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the Chief United States Probation Officer or the Chief
United States Pretrial Services Officer to act as the
Adverse Action Hearing Officer.

DONE and ORDERED in chambers at the United States Federal
Building and Courthouse, 299 East Broward Boulevard, Fort
Lauderdale, Florida, this 8th day of February, 1993.


Norman C. Roettger
Chief Judge

cc: All Southern District Judges
All Southern District Magistrate Judges
Keenan G. Casady, District Executive
T.G. Cheleotis, Clerk of Court
Carlos Juenke, Chief Probation Officer
Karen Eddy, Clerk of the Bankruptcy Court
Roberto Febles, Chief Pretrial Services Officer
Kathy Archer, Manager, Personnel and Training Section
Linda Datko, Assistant Circuit Librarian