

IN THE CIRCUIT COURT OF THE  
FIFTH JUDICIAL CIRCUIT OF THE  
STATE OF FLORIDA

ADMINISTRATIVE ORDER A94-21

**ADMINISTRATIVE ORDER REGARDING THE EQUAL  
EMPLOYMENT OPPORTUNITY STATEMENT AND COMPLAINT  
PROCEDURE OF THE FIFTH JUDICIAL CIRCUIT**

The undersigned having considered (1) the Order of the Supreme Court of Florida entitled Administrative Order In Re: Personnel Rules and Regulations issued on September 23, 1993, and (2) the need to establish an equal employment opportunity policy statement and complaint procedure in this circuit, it is upon consideration thereof

ORDERED AND ADJUDGED that the attached policy and procedure be and is hereby adopted as the Equal Employment Opportunity Policy of the Fifth Judicial Circuit. The court administrator shall provide each current and new employee of the circuit and county courts a copy of this policy and procedure and issue that a receipt for such copy is placed in their personnel file.

DONE AND ORDERED in Chambers at Ocala, Marion County, Florida this 11th day of May, 1994.



WILLIAM T. SWIGERT  
Chief Judge  
Fifth Judicial Circuit

## POLICY STATEMENT

The employees of the Florida State Courts System are exempt from the State of Florida Career Service System under Chapter 110, Florida Statutes.

In accordance with recommendations of the Auditor General, it is the intention of the Supreme Court of Florida and the Circuit Court of the Fifth Judicial Circuit to create a Uniform Florida State Courts Personnel System which shall govern, regulate, and coordinate all personnel and employment practices and activities with respect to recruitment, examination, appointment, training, promotion, retention, separation, or any other employment practice.

All employees of the Florida State Courts System serve at the pleasure of the appointing authority and do not attain tenure. For the purposes of these regulations, the Chief Justice of the Supreme Court of Florida, the Chief Judges of the District Courts of Appeal, and the Chief Judges of the judicial circuits of Florida are considered to be the employers. Each judicial officer has individual control over the hiring and termination of his or her personal staff.

It is the policy of the State Courts System (SCS) to provide a workplace free from any and all forms of illegal discrimination, and to provide equal employment opportunity to every employee and applicant for employment based solely on his or her qualifications to perform the job, and without discrimination on account of race, ethnicity, sex, religion, national origin, disability, marital status, sexual orientation, or age, except as provided by law, with respect to recruitment, appointment, training, promotion, retention, separation, or any other employment practice.

In accordance with Title I of the ADA of 1990, the SCS will not discriminate in any employment practice against qualified individuals with a disability, individuals regarded as having a disability, or individuals with an association with a person with a known disability. Furthermore, it is the policy of the SCS to provide a reasonable accommodation, if necessary, to all qualified individuals with a disability in order to assure equal opportunity in the application process, to enable a qualified individual with a disability to perform the essential functions of a job, and to enable an employee with a disability to enjoy equal benefits and privileges of employment. A reasonable accommodation will be made, on a case by case basis, if it does not impose an undue hardship on court operations.

It is the policy of the SCS to make the workplace free of sexual harassment. Sexual harassment occurs if there are unwelcome sexual advances; unwelcome requests for sexual favors; or unwelcome verbal or physical conduct of a sexual nature from or involving an employee's supervisors, peers, subordinates or other persons in contact with an employee during the course of the conduct of the employees' business when:

1. Submission to such conduct is either explicitly or implicitly a term or condition of employment; or

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. Such conduct has the purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

It is the policy of the SCS that all complaints of discrimination shall be treated seriously and acted upon promptly in accordance with procedures approved and adopted by the Supreme Court, or by local procedures approved and adopted by the Chief Judge of the circuit court.

Failure to comply with this policy may result in discipline up to and including dismissal, and/or referral to appropriate enforcement and disciplinary bodies. No individual shall be discriminated against, harassed, threatened, or intimidated for filing a complaint under these policies. Any employee who knowingly files a false complaint may be subject to discipline up to and including dismissal.

The purpose of this personnel policy is to assist in providing fair and equitable treatment of all employees of the Florida State Courts System. The manual is intended to be an integral part of a uniform and comprehensive system of personnel administration. The regulations in this manual set forth reasonable standards for uniform personnel practices and a system to assist interchange between the employees and the employers.

The Courts System employees are at-will employees. This personnel policy does not, nor is intended to confer upon employees any protectable property interest or contract of employment.

## FIFTH JUDICIAL CIRCUIT CIVIL RIGHTS COMPLAINT PROCEDURE

This procedure is adopted pursuant to Administrative Order In Re: Personnel Rules and Regulations issued by the Chief Justice of the Fifth Judicial Circuit on September 23, 1993 and sets forth the steps to be taken to investigate and provide for a prompt and equitable resolution to complaints of discrimination in employment decisions.

Only complaints of discrimination, by and against officers and employees of the Fifth Judicial Circuit, because of race, religion, sex, including sexual harassment, national origin, age, disability, marital status, or sexual orientation should be filed using the procedures described herein.

### A. Intake Officer

The Trial Court Administrator is designated as intake officer and shall be responsible for receiving and documenting complaints of discrimination by and against court officers and employees. The name, office location, and phone number of the intake officer shall be posted in a prominent place with the Administrative Order and this procedure.

### B. Procedure

1. All complaints of discrimination shall be treated seriously and acted upon promptly. Any officer, employee, or applicant for employment, who believes that he or she is a victim of discrimination, should report the matter either orally or in writing, to the intake officer or the employee's supervisor, within ninety (90) days of the date of the alleged violation. If reported to the supervisor, the supervisor will report the complaint to the intake officer.

2. The intake officer shall interview the officer or employee the complaint is against and report the details of the complaint to the Chief Judge within five (5) working days. Complaints of discrimination under the Americans with Disabilities Act shall also be referred to the Court's ADA coordinator. The Chief Judge may attempt to resolve the complaint, informally, through mutual conciliation, or appoint an investigative officer(s) who will make an investigation and report to the Chief Judge on this matter.

3. If mutual conciliation is agreed upon by the complainant and the officer or employee the complaint is against, the Chief Judge, or an appointed representative, will meet with the individuals involved to discuss the nature of the complaint and methods for resolution. The

Chief Judge, his or her appointed representative, or the individuals involved, may recommend alternative dispute resolution as a method for resolving the complaint. Alternative dispute resolution may be initiated at any stage of this procedure.

4. If an investigative officer(s) is appointed:

(1) The investigative officer(s) shall:

a. Interview the complainant concerning the nature and facts of the complaint.

b. Interview the officer or employee the complaint is against to obtain his or her understanding of the complaint, and his or her perception of the facts of the complaint. The officer or employee the complaint is against may prepare a written response to the complaint.

c. Interview any witnesses as the investigative officer(s) deem necessary.

d. Prepare and submit a written report to the Chief Judge describing the nature and facts of the complaint.

(2) The Chief Judge shall make a determination of the complaints. The Chief Judge may meet with all individuals concerned with a goal toward mutual resolution, dismiss the complaint, authorize appropriate discipline up to and including dismissal, or refer the complaint to the appropriate outside agency. The Chief Judge may meet with the complainant and the officer or employee the complaint is against, either separately or together, and inform them of his or her decision.

#### C. Confidentiality

Written materials developed through the use of this procedure are confidential pursuant to Rule 2.051, Public Access to Judicial Records, Florida Rules of Judicial Administration.

D. Irrespective of these internal procedures, the complainant retains the right before, during, or after the proceedings, to seek remedy outside the court's internal procedure as provided by law. The complainant may file a charge with the EEOC, or with the Florida Commission on Human Relations (FCHR). The EEOC may be reached toll free at (900) USA EEOC. The FCHR is located at 325 John Knox Road, Building F. Suite 240, Tallahassee, FL 32303-4113.

Additionally, the Judicial Qualifications Commission, under Article V Section 12 of the Florida Constitution, has the jurisdiction to investigate all reported instances of judicial misconduct. The Judicial Qualifications Commission is located at Room 102, The Historic Capitol, Tallahassee,

Florida 32399-6000. Ms. Brooke S. Kennerly, Executive Director, can be contacted at (904) 488-1581.

The Board of Governors of The Florida Bar, by authority of the Supreme Court, and under its Rules and Regulations, has the jurisdiction to investigate all reported instances of misconduct by members of The Florida Bar. The Florida Bar is located at 650 Appalachee Parkway, Tallahassee, Florida, 32399-2300.

F. Records

All records of complaints of discrimination and their resolution shall be documented and maintained by the intake officer. If an investigation takes place, and the investigative officer has submitted a written report to the Chief Judge, any record of any resulting disciplinary action will be maintained in the disciplined employee's personnel file.

**STATEMENT OF RECEIPT OF EQUAL EMPLOYMENT OPPORTUNITY  
POLICY OF THE FIFTH JUDICIAL CIRCUIT**

I have received and read a copy of the Administrative Order Regarding the Equal Employment Opportunity Policy Statement and Complaint Procedure of the Fifth Judicial Circuit. I understand the policy set forth regarding discrimination, the procedure for resolving civil rights complaints, and the consequences of any violation of this policy.

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date