



**DEPARTMENT OF THE ARMY
HEADQUARTERS
U.S. ARMY MANEUVER SUPPORT CENTER AND FORT LEONARD WOOD
FORT LEONARD WOOD, MISSOURI 65473-5000**

FLW Civilian Personnel Regulation
No 690-24

31 March 2004

**DISCIPLINE
CIVILIAN PERSONNEL ADVISORY CENTER**

Summary. This regulation provides information and establishes procedures to comply with statutory and regulatory requirements for formal disciplinary and adverse actions involving appropriate fund civilian employees.

Applicability. This regulation is applicable to all activities employing appropriated fund civilian personnel at this installation.

Supplementation. Supplementation of this regulation is prohibited unless specifically approved by Headquarters (HQ), United States Army Maneuver Support Center and Fort Leonard Wood (MANSCEN & FLW).

Suggested Improvements. The proponent of this regulation is the Civilian Personnel Advisory Center (CPAC). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander (Cdr), MANSCEN, ATTN: ATZT-CPAC, 140 Replacement Avenue, Suite 2210, Fort Leonard Wood, MO 65473-8935.

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*This regulation supersedes FLW Reg 690-24, 2 October 1985

Chapter 1
GENERAL

1-1. **PURPOSE.** The purpose of this regulation is to provide information and establish procedures to comply with statutory and regulatory requirements for formal disciplinary and adverse actions involving Appropriated Fund civilian employees.

1-2. **EMPLOYEES COVERED.** The major groups of employees covered by this Regulation include:

(1) An employee in the competitive service who has completed a probationary or trial period;

(2) An employee in the competitive service in an appointment that requires no probationary or trial period, and who has completed 1 year of current continuous service in the same or similar positions under other than a temporary appointment limited to 1 year or less;

(3) An employee in the excepted service who is a preference eligible and has completed 1 year of current continuous service in the same or similar positions;

(4) An employee in the excepted service who is a nonpreference eligible and who has completed 2 years of current continuous service in the same or similar positions under other than a temporary appointment limited to 2 years or less.

1-3. **EMPLOYEES EXCLUDED.** Probationary employees and those serving trial periods are excluded from the provisions of this regulation. A probationary or trial period employee whose performance or conduct is not satisfactory may be removed at any time during the probationary or trial period with few procedural requirements. The supervisor should not wait until near the end of the probationary period but should consult promptly with his or her CPAC advisor before initiating action.

1-4. **RESPONSIBILITY FOR DISCIPLINE.** Discipline is a part of the daily responsibility of supervisors. A supervisor's most effective means of maintaining discipline is through the promotion of cooperation, of sustained good working relationships, and of the self-discipline and responsible performance expected of mature employees. Discipline is not merely the action taken at the times when an employee deviates from acceptable forms of conduct. The principal objective of disciplinary action is to correct unacceptable work-related behavior, not to punish an employee.

1-5. **EMERGENCY SITUATIONS.** Emergency situations involving the need to get an employee off the premises immediately sometimes develop before any sort of disciplinary action has been decided upon or initiated. In a situation that constitutes an immediate threat to Government property or to the well being of the employee, his or her fellow workers or the public, the supervisor has limited authority to place the employee in a nonduty status with pay. This nonduty status will not exceed 10 calendar days. The time period will be used to propose and decide upon appropriate disciplinary action.

1-6. **SPECIAL PROVISIONS**

a. An employee in a bargaining unit represented by one of the recognized unions is entitled to have a union representative present under the following circumstances:

(1) a management official is interviewing an employee in connection with an investigation;

(2) the employee reasonably fears it may lead to disciplinary action; and,

(3) the employee requests a union representative

b. When a supervisor has elected to interview the employee, the supervisor has the option of discontinuing his/her examination at any time and obtaining the information through other sources.

c. If the employee is not a bargaining unit employee and the matter under investigation does not involve potential criminal charges, the employee has no right to representation during an investigation.

d. If, during the interview, the employee presents an acceptable explanation for his or her conduct and the supervisor decides discipline is not warranted, the matter will be closed and the employee so advised. If discipline is to be initiated, the supervisor should prepare a memorandum for record of the meeting.

e. When all necessary information is otherwise available, and discussing the misconduct with the employee be non-productive in the supervisor's opinion discipline may be initiated without an interview.

1-7. **FRAUD, THEFT AND INTENTIONALLY DISHONEST CONDUCT.** The following Department of the Army policy on fraud, theft, and intentionally dishonest conduct was announced in a letter issued on 22 Mar 85 by the Secretary of the Army and the Chief of Staff.

"It is essential that strong and effective measures be applied, consistent with applicable law and regulation, to those individuals who are found to have engaged in theft, fraud, or other intentionally dishonest conduct against the Army.

Service members who engage in this type of misconduct are already subject to punishment under applicable provisions of the Uniform Code of Military Justice and to adverse personnel actions.

Effective with the promulgation of Army Regulation 690-700, Chapter 751, it is the policy of the Army that any civilian employee found to have engaged in theft, fraud, or other intentionally dishonest conduct against the Army will be considered for removal from the Federal Service. Any lesser penalty will require justifiable mitigating circumstances. It is the duty of all supervisors to ensure that this policy is implemented.

This strong disciplinary posture is a necessary element in the Army's campaign against fraud, waste, and abuse. The vast majority of our civilian employees are honest, hard working, and fully aware of their fiduciary responsibilities to the public. We must assure that they are not required to tolerate or work with those who will not live up to this public trust."

Chapter 2
DISCIPLINARY ACTIONS

2-1. CHOOSING AMONG DISCIPLINARY AND ADVERSE ACTIONS

a. Disciplinary or adverse action should be initiated for the purpose of either correcting offending employee behavior and problem situations or for the purpose of imposing punishment necessary to maintain discipline and morale among other employees. Formal disciplinary action should not be taken where behavior can be corrected through closer supervision, on-the-job training, oral admonitions, or written warnings.

b. Disciplinary actions should be taken as expeditiously as is reasonable and practicable under the circumstances of a particular case.

c. Disciplinary actions fall into two categories:

(1) Informal disciplinary actions and (2) formal disciplinary actions.

(a) Informal disciplinary actions include oral admonishments and written warnings. These actions are taken by the supervisor on his/her own initiative in situations of a minor nature involving unacceptable behavior.

(b) Informal disciplinary actions are normally the first steps in progressive discipline for behavioral offenses. These actions are documented by a memorandum for record and placed in office supervisory files with a copy furnished to the employee. These records are temporary in nature and may be withdrawn from the file when no longer needed for current operations.

(c) When taking an informal disciplinary action, the supervisor is expected to advise the employee of the specific infraction or breach of conduct, when and where it occurred, ask the employee to explain his or her side of the incident, and warn the employee that continued violations will result in formal disciplinary action.

(2) Formal disciplinary actions consist of written reprimands, suspensions, involuntary reductions in grade or pay and removals.

(3) Adverse actions consist of minor adverse actions involving short suspensions of 14 calendar days or less and major adverse actions such as suspensions without pay for 15 or more calendar days, involuntary reductions in grade or pay and removals.

(4) Title 5, United States Code, Chapters 71 and 75 (references 1 and b , respectively) form the statutory bases for disciplinary and adverse actions. Both the Office of Personnel Management (reference c) and the Merit Systems Protection Board (reference d) have issued regulations covering adverse actions.

(5) Army Regulation 690-700, Chapter 751 (reference e) establishes the regulatory requirements for official written reprimands.

2-2. PROCEDURES

a. Investigating Misconduct. Supervisors are expected to discover and take into account all of the relevant facts of a situation before taking action. As a minimum, the procedures below will be followed:

(1) Gather evidence to include what happened, when it happened, where it happened, why it happened, and who was present and either observed or participated in the incident.

(2) Follow up with witnesses (if any) as well as those involved to get their version of events.

(3) Provide the employee(s) facing potential discipline with an opportunity to explain his or her version of events.

(4) Document the information discovered during the initial stages of the investigation and obtain signed, dated, written statements insofar as possible.

b. Determining an Appropriate Penalty. In determining an appropriate penalty, a supervisor should take the following factors into consideration:

(1) The guidelines in Appendix A, Table of Penalties for Various Offenses.

(2) How serious was the offense and what harm or potential did it cause the agency or its' employees?

(3) What is the employee's length of service, past disciplinary record, and performance rating level?

(4) What is the nature of the employee's job in relation to the offence?

(5) What is the employee's potential for rehabilitation?

(6) Were there any mitigating circumstances? (For example, was the employee provoked by another, or acting under severe or unusual stress?)

(7) Were there any aggravating circumstances?

c. In choosing the appropriate penalty from the table in Appendix A, any type of previously documented offense forms the basis for proposing the next higher penalty. When considering a prior offense, the supervisor should consider the relationship in time or freshness of the previous offense in relation to the current infraction.

d. When an employee has been subjected to disciplinary action for one or more past offenses and the agency uses his or her disciplinary record as part of the basis for a current adverse action against the employee, the specificity and detail required and the extent of review and consideration required on appeal depend on whether the past disciplinary action meets three criteria:

(1) the employee was informed of the action in writing;

(2) the employee was given an opportunity to dispute the action by having it reviewed, on the merits, by an authority different from the one that took the action; and

(3) the action was made a matter of record. If all three of these criteria are met, the "specificity and detail" requirement is satisfied by the setting forth the nature of the action, the date it was effected, and the offense for which it was administered. (example: You were given a written reprimand on (date) for disorderly conduct. A cited disciplinary action will be found a valid reason, if it is in fact, a matter of record.)

e. The determination of which penalty to impose in a particular situation requires the application of responsible judgment. Disciplinary action is based on the conclusions that there is sufficient evidence available to support the reason for the action and that a nexus exists between the offense and the efficiency of the service. In determining the appropriate penalty, supervisors and deciding officials must observe the principle of "like penalties for like offenses in like circumstances." Penalties will be applied as consistently as possible.

f. Aggravating factors on which the supervisor intends to rely for imposition of an enhanced penalty, such as a prior disciplinary record or the egregiousness of the offense, should be included in the notice of proposed discipline so that the employee will have a fair opportunity to respond to those factors

g. Appendix A sets forth penalties, which the Department of the Army views as reasonable guides for particular offenses. The range of the discretionary penalties listed should be used as a general guide in administering discipline to assure that comparable disciplinary actions are taken for comparable offenses. While the table is provided only as a guide, experience indicates that the reasons for any deviation from the suggested penalties should be fully explained in the notice of proposed disciplinary action. The fact that an offense is not listed in the Table does not mean that a penalty cannot be imposed if the offense is committed. In such instances, a reasonable penalty can be determined through comparison with those listed. The employee relations staff and the Labor Counselor will be consulted regarding the reasonableness of a penalty.

h. Decision notices should contain information demonstrating that the deciding official has considered all of the information available, both aggravating and mitigating; should explain what weight was given to the aggravation factors cited in the proposed notice in reaching the final decision; and should reflect the deliberation of such official concerning the reasons for arriving at the judgment that the employee did or did not commit the offense charged, as well as the reasons for selecting the specific penalty in question rather than another (lesser) one. A responsible balancing of the relevant factors in the individual case will be sought, not in a mechanical way, but with "practical realism."

The CPAC advisor and the Labor Counselor must review each decision notice before it is delivered to the employee to ensure that the procedurally sound and legally supportable. In the event that the decision notice cannot be delivered to the employee in person because of the employee's absence, notice may be delivered by mail. In such cases, proof of mailing should be established.

Chapter 3 WRITTEN REPRIMANDS

3-1. GENERAL. Written reprimands are temporary disciplinary actions. A written reprimand may remain a matter of record in the employee's official personnel folder and in the supervisor's file for a minimum period of one year to a maximum of three years and may be withdrawn as provided in paragraph 3-3.

3-2. FORMAL WRITTEN REPRIMAND

a. A formal written reprimand is appropriate for use when more stringent disciplinary action than an oral admonishment or written warning is warranted and the circumstances justify the inclusion of a record of the action in the employee's official personnel folder.

b. Before initiating a formal, written reprimand, supervisors must contact an advisor at the Civilian Personnel Advisory Center (CPAC). The CPAC Advisor will review the investigative material to assure that the letter of reprimand is consistent with governing regulations and local disciplinary policy and practices. The CPAC Advisor will also coordinate the reprimand with the Labor Counselor, Office of the Staff Judge Advocate.

c. The official written reprimand should contain as a minimum:

(1) A description of the violation, infraction, conduct, or offense for which the employee is being reprimanded, in sufficient detail to enable the employee to fully understand the charges against him/her. Such specifics as the time, place, and date, and a description of the incident that precipitated the disciplinary action should be included.

(2) A statement that the reprimand will be a temporary record in the employee's official personnel folder. The statement will specify the period (not less than 1 or more than 3 years) that the disciplinary action will remain a matter of record.

(3) In the event a reprimand follows previous offenses and the action is considered a continuation of progressive discipline, the former incidents will be recounted. Additionally, if the employee failed to take any remedial action previously directed, that fact should be included.

(4) A warning that future misconduct may result in a more severe disciplinary action will be included in all letters of reprimand.

(5) When appropriate, advice will be provided regarding services or assistance available to the employee, such as the Employee Assistance Program, to help overcome the deficiency and avoid future recurrences. The employee will be informed of any specific action required on his/her part.

(6) Information on the appropriate grievance procedure the employee may use to contest the reprimand.

WITHDRAWAL OF REPRIMAND

a. A formal written reprimand is not permanent in nature and should be withdrawn from the official personnel folder.

(1) Upon expiration of the period specified in the letter of reprimand; or

(2) Upon departure of the employee from the Department of the Army, or

(3) Upon determination through an appropriate adjudicatory procedure or by an appropriate management official of the involved activity that the letter of reprimand has served its purpose.

(4) Upon a determination by the initiating supervisor that the employee has sufficiently corrected his/her behavior and that the letter of reprimand has served its purpose

b. At the time that a reprimand is withdrawn from the official personnel folder, a review should be made of personnel and supervisory records and files, and all references to the reprimand removed unless paragraph c below applies. Once withdrawn, the reprimand cannot be used or relied upon to support a subsequent disciplinary action.

c. When a reprimand has been cited or relied upon in another disciplinary action, all evidence of the reprimand will not be expunged. A copy of the reprimand will be retained in the adverse action file for the purpose of documenting the employee's disciplinary record.

SUSPENSION, REDUCTION IN GRADE OR PAY AND REMOVAL

4-1. COORDINATION

a. It is mandatory that supervisors coordinate these adverse actions with the Civilian Personnel Advisory Center (CPAC) for technical guidance

b. See Chapter 1, paragraph 1-6 for the special provisions applicable to employees in one of the exclusive bargaining units recognized on the installation.

c. Before these actions are proposed, documentary evidence that forms the basis for a proposed adverse action will be forwarded to the CPAC with a request for assistance with the personnel action. The CPAC staff member will assure appropriate coordination with the Labor Counselor.

4-2. PROCEDURES

a. Advance Notice. Advance written notice of the action proposed must be given to the employee.

(1) For major adverse actions such as suspensions of 15 or more days, removal or reduction in grade, the advance notice must be at least 30 calendar days unless there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed.

(2) Minor adverse actions that involve suspensions for 14 days or less require advance notice that allows a reasonable time to answer but not less than 24 hours.

(3) The following information must be included in the advance written notice:

- a. The specific reasons for the action.
- b. The employee's right to answer the proposal personally or in writing, or both. The employee may furnish affidavits or other documentary evidence in support of their answer.
- c. The employee's right to be represented by an attorney, union official, or other representative.
- d. The name of the management official to receive the reply.

b. Representation. An employee's choice of representation or change of representative must be designated in writing and given to the management official named to receive any reply to a proposed action.

c. Employee's Answer

(1) The management official designated to receive the employee's reply will make a written record of any personal reply and, if possible, obtain the signature of the employee or representative as an indication that the record is accurate. Any communication from the employee during a notice period should be carefully examined to determine whether it includes or constitutes a reply.

(2) The official proposing the action and the official receiving the reply will give bona fide consideration to any reply received. If the employee does not reply, decision will be based upon a review of the facts supporting the proposed action. It is at this point in the proceedings that a determination must be made as to whether the proposed action, under all circumstances, is "for such cause as will promote the efficiency of the service." If the action does not meet this criteria, it may be withdrawn or a less severe action substituted.

d. Notice of Decision

(1) The management official receiving a reply will prepare a memorandum of the consideration given to the reply, including findings on all reasons for the proposed action, and a decision on the action to be taken. The memorandum will be forwarded to the Civilian Personnel Advisory Center (CPAC) for preparation of a written notice to the employee of the decision reached and action to be taken.

(2) The employee must be given a written decision before the effective date of any minor or major adverse action. The decision will inform the employee of applicable grievance or appeal rights.

4-3. SHORTENED NOTICE PERIOD

(1) When there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed, the notice period for adverse action may be shortened as follows:

a. Verbally notify the employee that he or she is being put immediately in a non-duty status with pay for no longer than 10-calendar days.

b. In coordination with the CPAC, give the employee a written notice either of proposed indefinite suspension pending disposition of the criminal action or of proposed removal when there is sufficient evidence. The written notice will tell the employee of the reasonable period for an answer (not less than 7-calendar days).

c. Issue a written decision on the proposed action, after the employee has had an opportunity to answer and the agency has considered any answer, before the employee has been in a non-duty status for more than 10-calendar days.

CHAPTER 5 CIVILIAN COUNSELING SERVICE PROGRAM

5-1. RELATIONSHIP WITH DISCIPLINARY OR ADVERSE ACTION. The Employee Assistance Program provides nondisciplinary procedures by which an employee is offered rehabilitation assistance.

a. Initiation of disciplinary actions for absenteeism, misconduct, unsatisfactory job performance or substance abuse may be postponed for up to 90-calendar days if the employee is enrolled and satisfactorily progressing in an approved rehabilitation program.

b. If retention in a duty status might result in damage to Government property or personal injury to the employee or others, consideration should be given to approving leave for the employee for all or a portion of the rehabilitation period.

c. Suspension of disciplinary or adverse actions for up to 90 days will only apply to employees who have an active, signed consent form on file.

d. Appropriate disciplinary action will be initiated if the employee refuses rehabilitation assistance, refuses to consent to release of information to the supervisor, or at any time during the active rehabilitation phase or upon completion of the 90-calendar day rehabilitation period fails to achieve satisfactory job performance or conduct.

e. Disciplinary action must be based on unacceptable conduct or performance. It may not be based upon failure to participate in or complete rehabilitation.

5-2. REFERRAL, EVALUATION AND ENROLLMENT

a. Civilian employees may voluntarily contact the Employee Assistance Program for screening. He or she may also be referred by his or her supervisor, other outside sources of referral, including family members, or by a physician.

b. Once referred, the Civilian Program Coordinator will evaluate the employee to determine the nature of the problem. The Civilian Program Coordinator will advise the employee of the procedures and policies of the Program and refer the employee for appropriate assistance within the Army Substance Abuse Program or other sources in the community.

c. Information pertaining to an employee's enrollment and progress in the Army Substance Abuse Program or other treatment program can be released only with the employee's consent. Therefore, an employee who enrolls in the Army Substance Abuse Program will be asked to sign the civilian employee consent form before entering the program. If the employee refuses to sign the consent form, the Army Substance Abuse Program record will be so annotated and appropriate precautions will be taken against release of information to supervisors or interested others. Signing of the consent form or revoking prior consent is strictly voluntary.

d. If signed, the consent form enables the Civilian Program Coordinator to report specific information to the supervisor named on the consent form and enables two-way communication regarding clinical progress and performance during the employee's rehabilitation.

APPENDIX A
Tables of Penalties for Various Offenses

The following Table of Penalties contains a list of the infractions committed most frequently by agency employees, along with a suggested range of penalties for each. The penalties are graduated in severity based on an employee's previous record of documented misconduct. More serious types of misconduct have a more serious suggested penalty or range of penalties for a first offense than less serious types.

The Table of Penalties, as stated previously, contains a suggested range of penalties. It is a guide to discipline, not a rigid standard. Deviations are allowable for a variety of reasons. For example, when an employee is being charged with multiple offenses at the same time, it may be appropriate to exceed the maximum suggested penalty for all of the individual offenses. When the offense the employee committed is especially serious, compared to normal degree of the stated offense, there may be a basis for exceeding the maximum suggested penalty. On the other hand, there may be occasions when it may be appropriate to assess a penalty below the minimum suggested for the particular offense. In either event, when assessing a penalty outside the suggested range, there should be a reasonable explanation to distinguish why the penalty is outside the norm, a reason that can be explained to third parties in the event of a review.

BEHAVIORAL OFFENSES FOR WHICH PROGRESSIVE DISCIPLINE IS APPROPRIATE.

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
1. Insubordination	Refusal to obey orders, defiance of authority	Written reprimand to removal	5-day suspension to removal	Removal	
2. Fighting/Creating a Disturbance*	a. Creating a disturbance resulting in an adverse effect on morale, production or maintenance of proper discipline	Written reprimand to 5-day suspension	5-10 day suspension	10-day suspension to removal	*Penalty may be exceeded if work is severely disrupted.
	b. Threatening or attempting to inflict bodily harm without bodily contact	Written reprimand to 14-day suspension	14-day suspension to removal	30-day suspension to removal	*Penalty may be exceeded based on such factors as type of threat, provocation, extent of injuries, whether actions were defensive or aggressive in nature, or whether actions were directed at a supervisor.
	c. Hitting, pushing or other acts against another without causing injury	Written reprimand to 30-day suspension	30-day suspension to removal	Removal	
	d. Hitting, pushing or other acts against another causing injury	30-day suspension to removal	Removal		

3. Sleeping on duty	a. Where safety of personnel or property is not endangered	Written reprimand to 1 day suspension	1 to 5 day suspension	5 day suspension to removal	
	b. Where safety of personnel or property is endangered	1 day suspension to removal	Removal		
4. Loafing; delay in carrying out instructions	a. Idleness or failure to work on assigned duties	Written reprimand to 3 day suspension	1-5 day suspension	5 day suspension to removal	
	b. Delay in carrying out or failure to carry out instructions within the time required	Written reprimand to 3 day suspension	1-5 day suspension	5 day suspension to removal	
5. Attendance related offenses	a. Any absence from the regularly scheduled tour of duty, which has not been authorized, and/or for which pay must be denied (AWOL) or any absence from management directed additional hours of duty (Unauthorized Absence). Includes leaving the work site without permission	Written reprimand to 5 day suspension	1-14 day suspension	5 day suspension to removal	Penalty depends on length of absences. Removal may be appropriate for 1 st or 2 nd offenses if the absence is prolonged.
	b. Failure to follow established leave procedures	Written reprimand to 5 day suspension	1-5 day suspension	5 day suspension to removal	
	c. Unexcused tardiness	Written reprimand to 1 day suspension	1-3 day suspension	1-5 day suspension. Habitual tardiness warrants removal	Includes delay in reporting at the scheduled starting time, returning from lunch or break periods, and returning after leaving workstation on official business. Penalty depends on length and frequency of tardiness.

<p>6. Unauthorized use of alcohol, drugs or controlled substances</p>	<p>a. Unauthorized possession or transfer of alcoholic beverages while on government premises or in a duty status</p>	<p>Written reprimand to 5 day suspension</p>	<p>5-14 day suspension</p>	<p>14 day suspension to removal</p>	<p>Penalty may be exceeded when aggravating circumstances are present. See AR 600-85</p>
	<p>b. Unauthorized use of alcoholic beverages while on government premises or in a duty status</p>	<p>Written reprimand to 14 day suspension</p>	<p>14-30 day suspension</p>	<p>30 day suspension to removal</p>	
	<p>c. Reporting to work or being on duty while under the influence of alcohol, a drug or a controlled substance to a degree which would interfere with proper performance of duty, or would be prejudicial to the maintenance of discipline. See para 13 for other drug-related offenses.</p>	<p>Written reprimand to 30-day suspension. Removal may be warranted if the safety of personnel or property is endangered</p>	<p>14-day suspension to removal</p>	<p>Removal</p>	
<p>7. Discourtesy</p>	<p>a. Discourtesy; e.g. rude, unmannerly, impolite acts or remarks (non-discriminatory)</p>	<p>Written reprimand to 1-day suspension</p>	<p>1-5 day suspension</p>	<p>3-10 day suspension</p>	<p>Penalty for fourth offense within 1 year may be 14-day suspension to removal. Penalty may be exceeded if discourtesy or similar conduct was directed to a supervisor.</p>
	<p>b. Use of abusive or offensive language, gestures, or similar conduct (non-discriminatory)</p>	<p>Written reprimand to 10-day suspension</p>	<p>1-5 day suspension</p>	<p>30 day suspension</p>	
<p>8. Gambling</p>	<p>a. Participating in an unauthorized gambling activity while on Government premises or in a duty status</p>	<p>Written reprimand to 1-day suspension</p>	<p>Removal</p>	<p>5-30 day suspension</p>	<p>See DoD 5500.7-R Joint Ethics Regulation</p>

	b. Operating, assisting or promoting an unauthorized gambling activity while on Government premises or in a duty status or while others involved are in a duty status	14-day suspension to removal			
9. Indebtedness	Failure to honor valid debts where agency missions or employee performance is affected	Written reprimand	Written reprimand to 1-day suspension	Written reprimand to 5-day suspension	See DoD 5500.7-R Joint Ethics Regulation. There must be a clear nexus between efficiency of the service and the debt complaint.

OFFENSES WARRANTING PUNITIVE DISCIPLINE

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
10. False statements	a. False statements, misrepresentations, or fraud in entitlements. Includes falsifying information on a time card, leave form, travel voucher, or other document pertaining to entitlements	Written reprimand to removal	30-day suspension to removal	Removal	See para 1-7. Removal is warranted for a first offense.
	b. False statements or misrepresentations on an SF 171, or other documents pertaining to qualifications, or on any official record not otherwise enumerated	Written reprimand to removal	14-day suspension to removal	30-day suspension to removal	See para1-7. Removal is warranted when selection was based on falsified SF 171, where falsification was intentional (i.e., not an omission or where intent can be proven), or where the employee occupies a fiduciary position.

	c. Knowingly making false or malicious statements against co-workers, supervisors, subordinates, or government officials with the effect of harming or destroying the reputation, authority, or official standing of that individual or an organization	Written reprimand to removal	Removal		
	d. Deliberate misrepresentation, exaggeration, concealment, withholding of a material fact. Includes perjury, making false sworn statements, and lying to a supervisor	Written reprimand to removal	5-day suspension to removal	10-day suspension to removal	
11. Stealing	Stealing, actual or attempted, unauthorized possession of government property or property of others, or collusion with others to commit such acts	14-day suspension to removal	Removal		See para 1-7. Penalty depends on such factors as the value of the property or amounts of employee time involved, and the nature of the position held by the offending employee, which may dictate a higher standard of conduct.
12. Misuse of Government Property	a. Using Government property or Federal employees in a duty status for other than official purposes	Written reprimand to removal	1-day suspension to removal	14-day suspension to removal	See DoD 5500.7-R Joint Ethics Regulation. Penalty depends on such factors as the value of the property or amounts of employees time involved, and the nature of the position held by the offending employee which may dictate a higher standard of conduct.
	b. Loss of or damage to government property, records or information when an employee is entrusted in safeguarding Government property as an absolute requirement of the job (e.g., cashier, warehouse worker, property book officer)	Written reprimand to 14-day suspension	Written reprimand to removal	14 day suspension to removal	

	c. Willfully using or authorizing the use of a government passenger motor vehicle or aircraft for other than official purposes	30-day suspension to removal	Removal		See 31 USC 1349. Penalty cannot be mitigated to less than 30 days.
	d. Misuse of Government credentials.	Written reprimand to removal	5-day suspension to removal	14-day suspension to removal	
	e. Intentionally mutilating or destroying a public record	Removal			18 USC 2071
Unauthorized use or possession of a controlled substance	a. Introduction of a controlled substance to a work area or government installation for personal use	3-day suspension to removal	Removal		
	b. Introduction of a controlled substance to a work area or government installation in amounts sufficient for distribution or distribution of a controlled substance on a government installation	Removal			
14. Failure to observe written regulations, orders, rules, or procedures	a. Violation of administrative rules or regulations where safety to persons or property is not endangered.	Written reprimand to 1-day suspension	1-14 day suspension	5-day suspension to removal	
	b. Violation of administrative rules or regulations where safety to persons or property is endangered.	Written reprimand to removal	30-day suspension to removal	Removal	

	c. Violations of official security regulations. Action against National Security				
	(1) Where restricted information is not compromised and breach is unintentional	Written reprimand to 5-day suspension	1-14 day suspension	5-day suspension to removal	See AR 604-5 and USC 7532.
	(2) Where restricted information is compromised and breach is unintentional	Written reprimand to removal	30-day suspension to removal	Removal	
	(3) Deliberate violation	30-day suspension to removal	Removal		
15. Discrimination because of race, color, religion, age, sex national origin, political affiliation or handicap, or marital status	Prohibited discriminatory practice in any aspect of employment (e.g., employment, appraisal, development, advancement or treatment of employees). Includes failure to prevent or curtail discrimination of a subordinate when the supervisor knew or should have known of the discrimination	Written reprimand to removal			Appropriate penalty depends on the facts in a given case weighed against DA policy that discrimination is prohibited
16. Sexual Harassment. Influencing, offering to influence, or threatening the career, pay, job, or work assignments of another person in exchange for sexual favors OR deliberate or repeated offensive comments, gestures or physical contact of a sexual nature	a. Involving a subordinate	1-day suspension to removal	10-day suspension to removal	30-day suspension to removal	Appropriate penalty depends on the fact situation in a given case weighed against DA policy that sexual harassment will not be tolerated. Where conduct created a hostile or offensive work environment, removal is warranted for a first offense.

	Not involving a subordinate	Written reprimand to 30-day suspension	5-day suspension to removal	10-day suspension to removal	
17. Constitutional Violation	Violation of employee's constitutional rights (i.e., freedom of speech/association/religion)	Written reprimand to removal	5-day suspension to removal	30-day suspension to removal	
18. Conduct Unbecoming a Federal Employee	a. Immoral, indecent, or disgraceful conduct	1-day suspension to removal	Removal		Includes off-duty conduct if nexus is established.
	b. Solicitation of or accepting anything of monetary value from a person who is seeking contracts or other business or financial gain	10-day suspension to removal	Removal		
19. Refusal to testify; interference or obstruction	a. Refusal to testify or cooperate in a properly authorized inquiry or investigation	1-day suspension to removal	5-day suspension to removal	Removal	Witness shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in their testimony.
	b. Interference with attempting to influence, or attempting to alter testimony of witnesses or participants	5-day suspension to removal	10-day suspension to removal	Removal	
	c. Attempting to impede investigation or to influence investigating officials	10-day suspension to removal	30-day suspension to removal	Removal	
20. Political Activity	a. Violation of prohibition against soliciting political contributions	Removal			5 USC 7323, 7324 and 7325

	b. Violation of prohibition against campaigning or influencing elections	30-day suspension to removal	Removal		
21. Misappropriation	a. Directing, expecting or rendering services not covered by appropriations	Removal			5 USC 3103
E-mail.Ink	b. Failure to deposit into the Treasury money accruing from lapsed salaries or from unused appropriations from salaries	Removal			
22. Job Actions	Participating in or promoting a strike, work stoppage, slow down, sick-out or other job actions	Removal			
23. Reprisal	a. Intentional interference with an employee's exercise of, or reprisal against an employee for exercising a right to grieve, appeal or file a complaint through established procedures	Written reprimand to removal	5-day suspension to removal	30-day suspension to removal	
	b. Reprisal against an employee for providing information to an inspector General, MSPB Office of Special Counsel, EEOC or USACARA investigator, or for testifying in an official proceeding	Written reprimand to removal	5-day suspension to removal	30-day suspension to removal	
	c. Intentional interference with an employee's exercise of, or reprisal against an employee for exercising a right provided under 5 USC 7101 et seq (governing Federal Labor-Management Relations)	Written reprimand to removal	5-day suspension to removal	30-day suspension to removal	
	d. Finding by MSPB of refusal to comply with MSPB order or finding of intentional violation of statute causing issuance of a special counsel complaint	Written reprimand to removal	Removal		5 USC 1206(g)(l) and 1207(b)

APPENDIX B

REFERENCES

Title 5 United States Code, Chapter 75.

Title 5 United States Code, Chapter 71.

Title 5 Code of Federal Regulations, Part 752.

Title 5 Code of Federal Regulations, Part 1201.

Army Regulation 690-700, Chapter 751.

Collective bargaining agreements with American Federation of Government Employees (AFGE) Local 908, International Association of Fire Fighters (IAFF) Local F-108, and National Association of Government Employees (NAGE) Local R 14-32.