

Ethics Table of Penalties

The following table is a guide. In each case, management officials must use their judgment when deciding to impose discipline for the inappropriate workplace behavior of an employee. The mitigating or aggravating factors of each case may cause a supervisor to decrease or increase the penalty for a particular individual in a given situation. See the [Process for Internal Reporting and Discipline Related to Non-Compliance with Ethics Requirements](#).

COI-Related Misconduct	Charge	Examples	First Action	Second Action	Third Action
Creating a conflict of interest or the appearance of it by solicitation or unauthorized acceptance of gifts, favors, gratuities, entertainment, or any other item of monetary value.	This is an existing table of penalties line item.	Employee creates an appearance of a conflict of interest by accepting an outside cash award without prior approval; employee solicits sponsored travel	Written reprimand to removal	14 day suspension to removal	Removal
Outside employment or other activity not properly approved by NIH officials or not compatible with full and proper discharge of NIH duties	This is an existing table of penalties line item.	Employee conducts an unapproved outside activity	Written reprimand to removal	14 day suspension to removal	Removal
Conduct which causes the employee to be convicted of a criminal charge which relates directly to the duties of the employee's position or the mission of NIH	This is an existing table of penalties line item.	Employee is convicted of a 208 violation	Removal	N/A	N/A
Falsification, misstatement, or concealment of information in connection with any official record	This is an existing table of penalties line item.	Employee intentionally does not report a prohibited holding on the HHS-717-1 form; knowingly does not report an outside activity on the HHS 521 form	Written reprimand to removal	5 day suspension to removal	14 day suspension to removal

COI-Related Misconduct	Charge	Examples	First Action	Second Action	Third Action
Failure to complete conflicts of interest-related mandatory training	Use the existing table of penalties line item of "Insubordination"	Employee does not comply with directive to take required training	Written reprimand	3 – 10 day suspension	14 day suspension to removal
Failure to provide requested forms or other requested information	Use the existing table of penalties line item of "Insubordination"	Employee does not comply with directive to submit a required form such as a financial disclosure form	Written reprimand	3 - 10 day suspension	14 day suspension to removal
Failure to respond or cooperate with ethics investigations, Office of General Counsel inquiries or other administrative inquiries	Use the existing table of penalties line item of "Misrepresentation of fact; false testimony; refusal to testify in an inquiry, investigation, or other official proceeding"	Employee does not cooperate with an investigation being conducted by the Office of Management Assessment or a Congressional inquiry	Written reprimand to removal	removal	