

U. S. DEPARTMENT OF EDUCATION
PERSONNEL MANUAL INSTRUCTION

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SUBJECT: DISCIPLINE AND ADVERSE ACTIONS

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I. AUTHORITY

Title 5, United States Code, Chapters 73 and 75, and Title 5, Code of Federal Regulations (C.F.R.), Parts 735 and 752.

II. POLICY

- A. It is the policy of the Department of Education (ED) to administer a personnel program that results in the selection, retention and motivation of a well qualified and productive work force. As an integral part of that program, the Department maintains high standards of employee conduct, capacity and integrity and endeavors to provide prompt, fair, and equitable solutions to issues that affect employee morale and the efficiency of the Department.
- B. This instruction delineates the basic framework for disciplinary actions at the Department (e.g., reprimand, suspension, removal from Federal service). To assist supervisors in determining appropriate penalties, this instruction includes the Douglas factors (a number of factors relevant for consideration in addressing mitigating and aggravating circumstances established by the Merit Systems Protection Board (MSPB) in Douglas v. Veterans Administration, 5 M.S.P.R. 280 (1981), (Exhibit 3)) and the Department's Table of Penalties (Appendix A). A Douglas factor analysis is required only for proposed suspensions of more than 14 days, removals, or reductions in grade or pay.
- C. This Instruction also supplements 5 CFR Part 752 in establishing policies and requirements for taking adverse actions in the Department (formerly in PMI 752-1). As described in this PMI, adverse actions are serious personnel actions affecting an employee's pay or grade. Because of differing legal and procedural requirements, adverse actions are divided into two major categories: (1) suspensions of 14 days or less; and (2) removals, suspensions of more than 14 days, reductions in grade or pay, and furloughs for 30 days or less. (Note: Furlough is not a disciplinary action, but a furlough may only be implemented following adverse action procedures.)
- D. Responsible judgment must be exercised in selecting a disciplinary action, so that an employee will not be penalized out of proportion to the character of the offense. In taking disciplinary actions, like penalties should be imposed for like offenses. The attached Table of Penalties is to be used to assure reasonable consistency across the Department (Appendix A). It is the policy of the Department that supervisors must consult with the appropriate Regional Personnel Office or Headquarters Employee Relations Team when determining appropriate penalties.
- E. Supervisors should consult with the Ethics Division within the Office of the General Counsel for guidance on whether particular conduct violates the Standards of Ethical Conduct or ethics statutes.

III. APPLICABILITY

This Instruction covers all disciplinary actions up to and including removal from Federal service and is followed for all ED employees except bargaining unit employees for whom different procedures have been negotiated. Applicable provisions of the negotiated collective bargaining agreement (CBA) will be applied for positions and activities covered by those agreements.

IV. DEFINITIONS

- A. “Informal Action” is a corrective action that is not recorded, either temporarily or permanently, in an employee’s Official Personnel Folder (OPF).
- B. “Oral Admonishment” is a personal discussion between a supervisor and a subordinate. It is an informal action.
- C. “Letter of Admonishment” is a written warning given by a supervisor to a subordinate. It is an informal action.
- D. “Letter of Official Reprimand” is a formal, written disciplinary action given by a supervisor to a subordinate intended to correct misconduct on the part of the subordinate.
- E. “Formal Disciplinary Action” includes letters of official reprimand, suspension, reduction in grade or pay, and removal.
- F. “Adverse Action” is a suspension, removal, reduction in grade or pay, or furlough for 30 days or less.

V. RESPONSIBILITIES

- A. The Director, Human Resources Services (HRS), ensures compliance with the provisions of this Instruction as well as Office of Personnel Management (OPM) regulations and makes decisions on whether to disallow a challenged employee representative.
- B. HRS offices advise officials on appropriateness of actions and assure that supporting documentation exists, that procedural requirements are met and that required records are maintained.
- C. The Regional Personnel Specialist or Headquarters Employee Relations Specialist, or his/her designee will:
 - 1. Advise officials on appropriateness of actions and assure that supporting documentation exists, that procedural requirements are met, and that required records are maintained.

2. Serve as an advisor to supervisors concerning matters relating to disciplinary actions and provide both employees and supervisors full and complete information on disciplinary action procedures, employee rights, appeal rights, and grievances.
 3. Track all reprimands issued to assure their removal from the OPFs upon expiration of the required time for filing.
- D. Supervisors will take whatever disciplinary actions are deemed necessary to ensure that employee conduct is consistent with accomplishment of the Department's mission and to promote the efficiency of the Federal service. Supervisors must consult with HRS prior to initiating formal disciplinary action. The Douglas factors at Exhibit 3 and the Table of Penalties (Appendix A) should be used by supervisors when evaluating misconduct and determining appropriate penalties. Documentation of the Douglas factor analysis is required only for proposed suspensions of more than 14 days, removals, or reductions in grade or pay.
- E. In the case of adverse actions (e.g., suspension, removal):
1. The Proposing Official (immediate supervisor/second level supervisor or higher level official) prepares notice of proposed adverse disciplinary actions in accordance with statutes and OPM and Departmental regulations and policies.
 2. The Deciding Official, a higher level official than the Proposing Official, decides on proposed adverse actions.
 3. Each Proposing and Deciding Official must confer with and seek the advice of the servicing HRS office prior to proposing or making a final decision to effect any adverse actions. All notices must be reviewed and cleared by the servicing HRS office prior to issuance.
- F. Senior Officers are responsible for ensuring that supervisors within their Principal Office deal with disciplinary situations in a timely and consistent manner.
- G. Employees must:
1. Be knowledgeable about ED Standards of Conduct and ethics requirements and conduct themselves accordingly. Each employee will be furnished a copy of the ED Standards of Conduct and other appropriate ethics materials at the time of appointment.
 2. Familiarize themselves with the duties and responsibilities of their position descriptions and requirements in their performance agreements or plans.

3. Be knowledgeable of workplace rules and regulations applicable to their work center (for example, time and attendance policies, security and building access procedures, use of computer equipment, use of government travel cards, etc.).

VI. PROCEDURES

A. Oral Admonishment

1. An oral admonishment should normally be conducted in private. It should be administered as soon as possible after the supervisor learns of the employee's offense so that the admonishment will have maximum corrective effect.
2. Supervisors should prepare a written memorandum for record of the oral admonishment and provide the employee a copy. Such memorandum may not be placed in the employee's OPF. It should be retained by the supervisor in the event it is needed to support a more severe action at a later date.

B. Letter of Admonishment

1. A letter of admonishment:
 - a. Will be written on official letterhead stationery;
 - b. Must clearly specify the reason(s) why the admonishment is being given;
 - c. Will inform the employee of his/her right to grieve the letter of admonishment (including Informal Dispute Resolution (IDR) Center options) and where the employee may seek assistance regarding the grievance procedure; and
 - d. Will advise him/her that the letter of admonishment will not be filed in the employee's Official Personnel Folder.
2. Exhibit 1 is an acceptable sample letter of admonishment.
3. The supervisor must retain a copy of the letter of admonishment in the event it is needed to support a more severe action at a later date.

C. Letter of Official Reprimand

1. A letter of official reprimand is a formal disciplinary action and will be on official letterhead stationery. The letter will:
 - a. Identify the purpose of the letter by stating that it is an Official Reprimand. (The effective date of a reprimand is the date of the letter.);

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- b. Give the specific reasons for the reprimand, stating explicitly those reasons which are the basis for the reprimand;
 - c. Inform the employee that the Official Reprimand will be placed in his/her OPF for a specified period of time (not to exceed two years);
 - d. Advise the employee that more severe disciplinary action may be taken for any further offense;
 - e. Inform the employee of the right to file a grievance on the reprimand in accordance with the appropriate procedures: for non-bargaining unit employees, PMI 771-1, Employee Grievances, or, for bargaining unit employees, the grievance procedures contained in an applicable negotiated agreement (see Articles 41 and 42 of the CBA);
 - i. Inform the non-bargaining unit employee that s/he has 45 calendar days from the effective date of reprimand or the date s/he became aware of the reprimand to submit an informal grievance through the IDR Center, as the first step in the administrative grievance procedure contained in PMI 771-1, Employee Grievances, or, alternatively, as the first step in the Equal Employment Opportunity (EEO) complaint procedure if discrimination is alleged. See also paragraph 3.b., below, for situations involving allegations of discrimination;
 - ii. Inform the bargaining unit employee that a grievance on a reprimand must be filed within five work days of the decision, as required by Article 41, Section 41.04(d)(2) of the CBA;
 - f. Tell the employee where a copy of the grievance procedure may be reviewed.
2. Exhibit 2 is an acceptable sample of a letter of official reprimand.
 3. Other considerations:

- a. In Adverse Actions

When an Official Reprimand is used to support a subsequent adverse action or other administrative action, it will be considered as part of the analysis of progressive discipline.

- b. When Discrimination is Alleged

When an employee alleges that an Official Reprimand is based on discrimination covered by 29 CFR Part 1614, the Official Reprimand may be reviewed as part of the discrimination allegation under the procedures of the Equal Employment Opportunity Commission. For bargaining unit employees,

the negotiated grievance procedure may be used, unless the employee elects to pursue the allegation under Part 1614 (EEO) procedures. Under EEO complaint procedures, employees have 45 calendar days from the date of the action (or the date they became aware of the action) to pursue resolution informally through the IDR Center. At the conclusion of the informal process, the employee may file a formal EEO complaint within 15 calendar days of receipt of a “Notice of Right to File.”

4. A letter of official reprimand will be filed on the left-hand side of the employee’s OPF. It will be removed from the OPF at the end of two years or upon the employee’s separation from the Department, whichever occurs first. It may be removed from the OPF at the end of one year if the employee so requests in writing, and the issuing official concurs. It may be removed sooner than two years if the official issuing the letter so directs in the initial letter to the employee or by memorandum anytime thereafter to HRS.

VII. ADVERSE ACTIONS PROCEDURES

- A. 5 CFR Part 752 Subpart B Time Frames: For subpart B actions (covering suspension for 14 days or less) employees will be given a minimum of:

1. Ten (10) calendar days’ advance notice.
2. Seven (7) calendar days to respond from date of receipt of proposal.

Note: All other adverse actions (not covered under subpart B) will be conducted in accordance with statutory and regulatory requirements, principally noted in 5 U.S.C. Chapter 75 and 5 C.F.R. Part 752, Subpart C. Generally, a minimum notice period of 30 days is required, but there are important exceptions. Contact HRS for additional information and advice.

- B. Use of Official Time—If an employee and/or his or her representative wishes to use official time for preparation of a reply to a notice of proposed adverse action, he or she must request a reasonable amount of such time from his or her supervisor. Normally, no more than four hours should be granted. However, in exceptionally complex cases, up to eight hours may be granted. The time may be scheduled for consecutive or nonconsecutive hours until exhausted.

- D. Disallowance of Employee's Representative

1. An employee may select a representative of his or her own choosing. Only where a demonstrable conflict of interest or position exists, unreasonable costs would be incurred by the Department, or unreasonable disruption of work would result will a representative be disallowed.

2. Management Officials seeking to disallow a representative must secure the written concurrence of the Director of HRS. Requests for disallowance must include all pertinent information as to why it is believed the representation should be disallowed (see VII.D.1., above). The employee will be furnished a copy of any submission and will be given an opportunity to submit a written statement in support of the choice of representative.
 3. Payment of any cost for travel of a representative is the employee's responsibility.
- E. Agency Hearing. ED does not provide for any pre-decision hearing for any disciplinary actions. Employees have only the right to reply orally and/or in writing, as specified in this Instruction, and, for bargaining unit employees, as provided by a negotiated agreement.

VIII. PENALTIES

ED's **Table of Penalties for Stated Offenses** is included in this instruction at Appendix A. A list of the Douglas factors is included at Exhibit 3.

SAMPLE LETTER OF ADMONISHMENT

DATE:

(Name)
(Title)
(Location)

Dear _____:

The purpose of this letter is to admonish you for (name of offense, e.g., absence without leave) and to warn you that future offenses on your part may result in disciplinary or adverse action, up to and including suspension and removal from the Federal service.

(In these paragraphs detail what action on the part of the employee caused this action to be taken. Be explicit as to dates, witnesses, and the nature of the offense. You may use attached copies of documentary evidence.)

For non-bargaining unit employees:

If you disagree with this action, you may pursue informal resolution through the Department's Informal Dispute Resolution (IDR) Center within 45 calendar days of the date of this action. At the conclusion of the informal process, you may file a grievance under the administrative grievance procedures contained in PMI 771-1. This formal grievance must be initiated within 15 calendar days of receipt of a Notice of Right to File from the IDR Center.

If you believe the action is due to discrimination prohibited by Equal Employment Opportunity (EEO) law, and you wish to pursue an EEO complaint, you must first seek EEO counseling from the IDR Center. If you are not satisfied with the result of counseling, you may file a formal EEO complaint within 15 calendar days of receipt of a Notice of Right to File from the IDR Center. You must contact the IDR Center within 45 days from receipt of this admonishment.

For bargaining unit employees:

If you disagree with this action, you may pursue informal resolution through the Department's IDR Center within 45 calendar days of this action. As a bargaining unit employee, you may alternatively elect to use the negotiated Problem Resolution Procedure (PRP) (Section 42.05 of the Collective Bargaining Agreement) in lieu of the IDR Center process, unless you are alleging discrimination, in which case the IDR Center process must be used. At the conclusion of the informal process, you may file a grievance under the procedures outlined in Article 42 of the Collective Bargaining Agreement, or, if discrimination is alleged, you may file either a formal EEO complaint

or a grievance, but not both. This grievance or EEO complaint must be initiated within 15 calendar days of the conclusion of the informal process (IDR Center or PRP).

(Name of Personnel Officer and telephone number) will give you all available information about the Department of Education grievance procedures if you so request.

This letter of admonishment will not be made a part of your Official Personnel Folder; nonetheless, I strongly urge you to pay close attention to its content and intent, as any future infractions may require me to take more severe action, in which case this letter may be used as one of the factors in supporting further action.

Sincerely,

Name
Title

SAMPLE LETTER OF REPRIMAND

DATE:

(Name)
(Title)
(Location)

Dear _____:

The purpose of this letter is to reprimand you for (name of offense, e.g., misuse of government travel card, absence without leave, etc.) and to warn you that future offenses on your part may result in additional formal disciplinary action, up to and including suspension and removal from the Federal service.

(In these paragraphs detail what action on the part of the employee caused this action to be taken. Be explicit as to dates, witnesses, and the nature of the offense. You may use attached copies of documentary evidence.)

For non-bargaining unit employees:

If you disagree with this action, you may pursue informal resolution through the Department's Informal Dispute Resolution (IDR) Center within 45 days of the date of this action. At the conclusion of the informal process, you may file a grievance under the formal procedures outlined in PMI 771-1. This formal grievance must be initiated within 15 calendar days of the conclusion of the informal process or upon receipt of the Notice of Right to File.

If you believe the action is due to discrimination prohibited by Equal Employment Opportunity (EEO) law, you may seek EEO counseling from the IDR Center. If you are not satisfied with the result of counseling, you may file a formal EEO complaint within 15 calendar days of receipt of a Notice of Right to File from the IDR Center. You must contact the IDR Center within 45 days from receipt of this reprimand.

For bargaining unit employees:

If you disagree with this action, you may file a grievance in accordance with Article 42, Section 42.06 of the Collective Bargaining Agreement (CBA). Such a grievance must be filed within five work days of the decision.

If you believe the action is due to discrimination prohibited by Equal Employment Opportunity law, you may either file a grievance under Article 42, Section 42.06 of the Collective Bargaining Agreement (CBA), as described above, or you may seek EEO counseling from the IDR Center as the first step in the statutory EEO complaint process. If

you are not satisfied with the result of counseling, you may file a formal EEO complaint within 15 calendar days of receipt of a Notice of Right to File from the IDR Center. You must contact the IDR Center within 45 days from receipt of this reprimand.

(Name of Personnel Officer and telephone number) will give you all available information about the Department of Education grievance procedures if you so request.

A copy of this letter of reprimand will be placed in your Official Personnel Folder for a period of up to two years. After one year you may request in writing that it be withdrawn. It will be withdrawn automatically after two years or upon your separation from the Department, whichever occurs first.

Sincerely,

Name
Title

DOUGLAS FACTORS

In Douglas v. Veterans Administration, 5 M.S.P.R. 280 (1981), the Merit Systems Protection Board (MSPB) established a number of factors that are relevant for consideration in determining the appropriateness of a penalty. These factors, listed below, will assist supervisors in considering relevant mitigating and aggravating circumstances.

1. The nature and seriousness of the offense, and its relation to the employee's duties, position and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public and prominence of the position;
3. The employee's past disciplinary record;
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers and dependability;
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisor's confidence in the employee's ability to perform assigned duties;
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses;
7. Consistency of the penalty with any applicable agency Table of Penalties;
8. The notoriety of the offense or its impact upon the reputation of the agency;
9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
10. Potential for the employee's rehabilitation;
11. Mitigating circumstances surrounding the offense such as unusual job tension, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.
12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

TABLE OF PENALTIES FOR STATED OFFENSES

The Department takes employee misconduct seriously. This document provides guidance on formal disciplinary actions that may be imposed based on the nature of the offense, including reprimand, suspension, demotion, and removal; it does not preclude the use of other actions, such as the issuance of counseling memoranda. The document is intended to serve **as a guide** only; greater or lesser penalties may be imposed based on mitigating and aggravating circumstances and current case law. In addition, this document does not cover every potential offense. When using this document to help determine the appropriate action to take, the supervisor should compare the offense at issue with those listed in the document, and focus on those offenses that relate most closely in nature and seriousness to the offense committed.

Proposed penalties for misconduct should incorporate the principle of progressive discipline. However, there are offenses that are so egregious that they warrant removal from the Federal service on the first offense. Supervisors are responsible and held accountable for taking fair and appropriate action, and the supervisor must consider all relevant aggravating and mitigating factors (Douglas factors) in deciding what action, if any, is reasonable under the circumstances. **In no case should this table be used without prior consultation with the Human Resources Services office.**

(Note: The term “Days” referred to in the Table below refers to “calendar days”.)

Nature of Offense	1 st Offense		2 nd Offense		3 rd Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1. Unauthorized use of government funds.	30-Day Suspension	REMOVAL	REMOVAL			
2. Offenses related to Government travel charge card:						
a. Misuse of card;	Reprimand	14-Day Suspension	10-Day Suspension	REMOVAL	REMOVAL	
b. Delinquency in payment;	Reprimand	14-Day Suspension	10-Day Suspension	REMOVAL	REMOVAL	
c. Misuse of card AND delinquency in payment.	5-Day Suspension	30-Day Suspension	30-day Suspension	REMOVAL	REMOVAL	
3. Misuse of Government Telephone Card.	5-Day Suspension	30-Day Suspension	30-Day Suspension	REMOVAL	REMOVAL	

Nature of Offense	1 st Offense		2 nd Offense		3 rd Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
4. Offenses related to Government purchase charge card:						
a. Carelessness or neglect resulting in administrative non-compliance with program policies.	Reprimand	5-Day Suspension	5-Day Suspension	30-Day Suspension	REMOVAL	
b. Intentional non-compliance with administrative program policies.	2- Day Suspension	14-Day Suspension	14-Day Suspension	REMOVAL	REMOVAL	
c. Misuse of purchase card.	5-Day Suspension	30-Day Suspension	30-Day Suspension	REMOVAL	REMOVAL	
5. Violation of the Department's policy on personal use of government equipment.	Reprimand	REMOVAL	14-Day Suspension	REMOVAL	REMOVAL	
6. Falsifying attendance record for self or another employee.	5-Day Suspension	REMOVAL	14-Day Suspension	REMOVAL	REMOVAL	
7. Attendance-related Offenses:						
a. Absence without leave. This covers unexcused or unauthorized absence.	Reprimand	5-Day Suspension	5-Day Suspension	14-Day Suspension	30-Day Suspension	REMOVAL
b. Failure to follow established leave procedures.	Reprimand	5-Day Suspension	5-Day Suspension	14-Day Suspension	30-Day Suspension	REMOVAL
8. Disrespectful conduct, including, but not limited to, the use of insulting, abusive or obscene language or gestures.	Reprimand	5-Day Suspension	5-Day Suspension	14-Day Suspension	14-Day Suspension	REMOVAL
9. Making false or unfounded statements about a co-worker, supervisor, or subordinate employee.	Reprimand	5-Day Suspension	5-Day Suspension.	14-Day Suspension	14-Day Suspension	REMOVAL

Nature of Offense	1 st Offense		2 nd Offense		3 rd Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
10. Threatening, intimidating, or other disruptive behavior.	Reprimand	14-Day Suspension	14-Day Suspension	30-Day Suspension	REMOVAL	
11. Fighting (physical altercation).	14-Day Suspension	REMOVAL	30-Day Suspension	REMOVAL	REMOVAL	
12. Possession of an instrument designed to inflict bodily harm/injury on others while on Government property unless specifically authorized in the performance of official duties;						
(a) Firearm	REMOVAL					
(b) Any other weapon/instrument designed to inflict injury.	30-Day Suspension	REMOVAL	REMOVAL			
13. Inappropriate behavior of a sexual nature.	Reprimand	REMOVAL	14-Day Suspension	REMOVAL	REMOVAL	
14. Sleeping while on duty.	Reprimand	5-Day Suspension	5-Day Suspension	14-Day Suspension	30-Day Suspension	REMOVAL
15. Participating in a strike, work stoppage, work slowdown, or sickout.	REMOVAL					
16. Offenses related to substance abuse.						
a. Alcohol-related						
(1) Reporting to or being on duty while exhibiting the appearance of being under the influence of alcohol;	Reprimand	10-Day Suspension	14-Day Suspension	30-Day Suspension	30-Day Suspension	REMOVAL
(2) Unauthorized use of alcoholic beverages while on Government premises.	5-Day Suspension	14-Day Suspension	14-Day Suspension	30-Day Suspension	30-Day Suspension	REMOVAL

Nature of Offense	1 st Offense		2 nd Offense		3 rd Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
<p>b. Drug-related:</p> <p>(1) Administratively confirmed positive finding under the testing portion of the Drug-Free Workplace Program (E.O. 12564 dated 9/15/86);</p> <p>(2) Reporting to or being on duty while exhibiting the appearance of being under the influence of an illegal drug or controlled substance;</p> <p>(3) Current use of an illegal drug or misuse of a controlled substance.</p> <p>(4) Unauthorized possession, use, sale or transfer of an illegal drug or controlled substance, while on Government premises or in a duty status.</p>	Reprimand	REMOVAL	REMOVAL			
	14-Day Suspension	REMOVAL	REMOVAL			
	30-Day Suspension	REMOVAL	REMOVAL			
	REMOVAL					
17. Violating the Standards of Ethical Conduct for Executive Branch Employees, and/or the Department's supplemental standards on outside activities.	Reprimand	REMOVAL	5-Day Suspension	REMOVAL	REMOVAL	
18. Failure to follow instructions.	3-Day Suspension	14-Day Suspension	14-Day Suspension	30-Day Suspension	30-Day Suspension	REMOVAL
19. Deliberate refusal to carry out a proper order.	5-Day Suspension	14-Day Suspension	30-Day Suspension	REMOVAL	REMOVAL	

Nature of Offense	1 st Offense		2 nd Offense		3 rd Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
20. Unauthorized possession and/or removal of Government property or property of others in the workplace.	5-Day Suspension	REMOVAL	14-Day Suspension	REMOVAL	REMOVAL	
21. Actual or attempted theft of Government property	10-Day Suspension	REMOVAL	30-Day Suspension	REMOVAL	REMOVAL	
22. Failure to safeguard confidential materials.	Reprimand	5-Day Suspension	5-Day Suspension	14-Day Suspension	30-Day Suspension	REMOVAL
23. Loss of, damage to, destruction of, misuse or unauthorized use of Government property, records or information.	Reprimand	REMOVAL	14-Day Suspension	REMOVAL	REMOVAL	
24. Misrepresentation, falsification, or forgery in connection with official government records or business, including, but not limited to, inquiries and investigations.	5-Day Suspension	REMOVAL	14-Day Suspension	REMOVAL	REMOVAL	
25. Misuse of official Government credentials.	5-Day Suspension	14-Day Suspension	14-Day Suspension	30-Day Suspension	30-Day Suspension	REMOVAL
26. Commission of a personnel practice prohibited by 5 USC 2302 by administrative, managerial, or personnel officials.	Reprimand	REMOVAL	14-Day Suspension	REMOVAL	REMOVAL	
27. Violations of EEO statutes and/or regulations at 29 CFR 1614.	Reprimand	REMOVAL	14-Day Suspension	REMOVAL	REMOVAL	
28. Refusal to answer questions or otherwise cooperate with any administrative investigation, inquiry, or other proper proceeding, including	5-Day Suspension	REMOVAL	14-Day Suspension	REMOVAL	REMOVAL	

Nature of Offense	1 st Offense		2 nd Offense		3 rd Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
but not limited to EEO, OSC, MSPB, and IG proceedings (when criminal charges are not anticipated and appropriate administrative warnings are provided).						
29. Engaging in unauthorized gambling and/or unlawful betting while on Government premises or in a duty status (e.g., office pools).	Reprimand	5-Day Suspension	5-Day Suspension	14-Day Suspension	14-Day Suspension	REMOVAL
30. Failure to timely file federal and/or state and local tax returns.	5-Day Suspension	REMOVAL	30-Day Suspension	REMOVAL	REMOVAL	
31. Indebtedness: a. Lack of good faith in paying just financial obligations, such as failure without good cause to make or to live up to arrangements to pay a debt that the employee admits he/she owes or that is supported by court judgment; b. Failure to pay a tax or other financial obligation to the U.S. Government or to a State or local Government, and/or failure to make and/or live up to arrangements to pay such debts.	Reprimand 5-Day Suspension	5-Day Suspension REMOVAL	Reprimand 30-Day Suspension	10-Day Suspension REMOVAL	5-Day Suspension REMOVAL	REMOVAL
32. Misuse of government owned or government leased vehicle (31 USC 1349).	30-DAY Suspension	REMOVAL	REMOVAL			

Nature of Offense	1 st Offense		2 nd Offense		3 rd Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
33. Violating traffic regulations or reckless driving, or improper operation of motor vehicle (Privately Owned Vehicle (POV) or Government Owned or leased vehicle), while on duty.	Reprimand	10-Day Suspension	5-Day Suspension	30-Day Suspension	14-Day Suspension	REMOVAL
34. Failure to observe precaution for personal safety, posted rules, signs, written or verbal safety instructions.	Reprimand	10-Day Suspension	10-Day Suspension	14-Day Suspension	14-Day Suspension	REMOVAL
35. Failure to report potentially serious personal injury or accident that occurred while on duty.	Reprimand	5-Day Suspension	5-Day Suspension	10-Day Suspension	10-Day Suspension	14-Day Suspension
36. Conduct prejudicial to the Federal Government.	Reprimand	REMOVAL	5-Day Suspension	REMOVAL	REMOVAL	

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