

**EXCERPTS from
US EPA ORDER 3120.1 (CONDUCT AND DISCIPLINE)
APPENDIX -- Table of Offenses and Penalties**

This table should be used as a guide by supervisors in order to facilitate comparable action throughout the Agency, in comparable cases. While penalties for offenses will usually fall within the ranges indicated in unusual circumstances greater or lesser penalties may be applied unless otherwise provided by law. The list of offenses in this table is not meant to be all inclusive. For offenses not listed, penalties may be imposed which are consistent with penalties listed in the table for offenses of comparable gravity. Days always means calendar days.

Nature of Offense	1st Offense	2nd Offense	3rd Offense
7. Conduct which is generally criminal, infamous, dishonest, immoral or notoriously disgraceful.	Written reprimand to removal	30-day suspension to removal	removal
10. Stealing, actual or attempted; unauthorized possession of Government property or property of others.			
a. Where substantial value is not involved.	Written reprimand to 30-day suspension	14-day suspension to removal	removal
b. Where substantial value is involved.	Written reprimand to removal	removal	
11. Using Government property or Government employees in duty status for other than official purposes Penalty depends on the value of the property or amount of employees time involved, the nature of the position held by the offending employee, and other factors. (For misuse of Government vehicles, see 43 below.)	Written reprimand to removal	5-day suspension to removal	14-day suspension to removal
12. Use of official authority or information for private gain	14-day suspension to removal	removal	
13. Failure to obtain required clearance of an official speech or article.	Written reprimand to 5-day suspension	5-day to 14-day suspension	14-day suspension to removal
14. Engaging in private business activities which result in or create the appearance of a conflict of interest	Written reprimand to removal	20-day suspension to removal	removal
15. Misuse of official Government credential	Written reprimand to removal	5-day suspension to removal	1-day suspension to removal

Nature of Offense	1st Offense	2nd Offense	3rd Offense
20. Insubordinate defiance of authority, disregard of directive, refusal to comply with proper order.	Written reprimand to 14-day suspension	5-day suspension to removal	removal
27. Forging or falsifying official Government records or documents.	Written reprimand to removal	removal	
30. Conducting personal affairs while in duty status.	Written reprimand to 1-day suspension.	2-day to 10 day suspension.	30-day suspension to removal
35. Reprisal against an employee for providing information to an Office of Inspector General (or equivalent) or the Office of Special Counsel, or to an EEO investigator, or for testifying in an official proceeding.	Written reprimand to removal	14-day suspension to removal	30-day suspension to removal
36. Reprisal against an employee for exercising a right provided under 5 U.S.C. Chap 71 (governing Federal labor-management relations).	Written reprimand to removal	14-day suspension to removal	30-day suspension to removal
37. Finding by MSPB of refusal to comply with MSPB order of violation of statute causing issuance of special counsel complaint. [5 U.S.C. 1206 (g) (1) and 1207 (b)]	Written reprimand to removal, debarment from Federal Service not to exceed 5 years, or assessment of civil penalty not to exceed \$1,000.		
38. Directing or rendering services not covered by appropriations. [5 U.S.C. 3103]	removal		
39. Prohibited political activity.			
a. Violation of prohibition against political contributions. [5 U.S.C. 7323]	removal		
b. Violation of prohibition against campaigning or influencing elections. [5 U.S.C. 7324 and 7325]	30-day suspension to removal		
41. Soliciting contributions for a gift for a superior; making a donation as a gift to a superior; accepting a gift from an employee receiving less pay. [5 U.S.C. 7351]	removal		

Nature of Offense	1st Offense	2nd Offense	3rd Offense
42. Action against national security. [5 U.S.C. 7532]	Suspension to removal		
43. Willfully using or authorizing the use of a government passenger motor vehicle or aircraft for other than official purposes. [31 U.S.C. 1344]	30-day suspension to removal		
44. Willful concealment, removal, mutilation or destruction of a public record. [18 U.S.C. 2071]	removal		
46. Resources Management			
Initiating and deciding officials should be aware that actions taken in good faith and without negligence are not intended to be actionable.			
e. Any resources management decision or action or use of official authority or influence that results in a violation of the Standards of Ethical Conduct for Employees of the Executive Branch at CFR Part 2635 or in violation of the Federal Acquisition Regulation at 48 CFR Part 3.104.	Written warning to 3-day suspension	Written letter of reprimand to 30-day suspension	30-day suspension to removal

NOTE: Any suspension action taken against a member of the Senior Executive Service must be for a minimum of 15 days. See Section 5 U.S.C. 7541 - 7543 and 5 CFR Part 752, Subpart F.