



Table of Offenses and Penalties

Additional Help for ADS 487

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Introduction

The following table is provided as guidance in the establishment of penalties and to provide for consistency in the administration of penalties for similar offenses. This table does not cover every conceivable offense, but it describes the more common type of offenses and the range of penalties normally assessed for those offenses. If an offense does not appropriately match one of those listed, do not attempt to distort the factual circumstances to fit an offense listed in the table. In such cases, state the offense in specific terms with emphasis upon the manner in which the employer-employee relationship has been breached.

For most offenses, a range of penalties is provided. This range provides the supervisor with latitude to consider appropriate mitigating or aggravating circumstances. For example, when the range states an oral/written warning/or written reprimand to removal, this encompasses everything from an oral admonishment to demotion, downgrade from a supervisory position, or even terminating the employment relationship with the employee. The maximum penalty should not be exceeded unless specific and justifiable rationale can be provided. Columns delineating the number of the offense, first, second, third, are provided for the application of progressive corrective actions. An offense need not be of the same generic nature to be classified as an additional offense. As an example, a second disciplinary action may concern an offense which differed from that involved in the first disciplinary action and still have a penalty set based upon the range of penalties provided in the second offense category. The relationship of the two actions may serve as a determinate in selecting the severity of the penalty. In utilizing past disciplinary actions, consideration must be made of the elapsed period of time between actions.

Table of Offenses and Penalties

OFFENSES	PENALTIES		
	First Offense	Second Offense	Third Offense
RELATIONSHIP WITH PUBLIC			
1. Failure to obtain any required clearance of official speech or article.	Oral or written warning to removal	5 day suspension to removal	30 day suspension to removal
SECURITY REGULATIONS			
2. Violation of a security regulation.	Oral or written warning to removal	5 day suspension to removal	30 day suspension to removal
OUTSIDE EMPLOYMENT/INTERESTS			
3. Engaging in private business activities of a prohibited or unethical nature.	Written reprimand to removal	5 day suspension to removal	30 day suspension to removal
4. Acceptance of improper dual employment or dual compensation by U.S. Government.	Written reprimand to removal	5 day suspension to removal	30 day suspension to removal

5. Acceptance by an employee of gratuity which might reasonably be interpreted as tending to affect the performance of official duties.	Oral or written warning to removal	5 day suspension to removal	30 day suspension to removal
6. Acceptance of foreign employment without prior authorization.	5 day suspension to removal	30 day suspension to removal	Removal
POLITICAL ACTIVITY			
7. Improper political activities.	Oral or written warning to 3 day suspension. Suspension to removal as determined by the Merit Systems Protection Board	Suspension to removal	Removal
CONDUCT ON THE JOB			
8. Unauthorized absence from the job during duty hours or on any scheduled day of work.	Oral or written warning to 1 day suspension	Written reprimand to 5 day suspension	5 day suspension to removal
9. Unauthorized absence from the job for more than 10 consecutive days.	3 day suspension to removal	10 Suspension to removal	Removal
10. Recurring tardiness	Oral & written warning to 5 day suspension	Written reprimand to 5 day suspension	10 day suspension to Removal
11. Failure to follow established leave procedures.	Oral & written warning to 5 day suspension	5 day suspension to removal	10 day suspension to Removal
12. Improper use of sick leave.	Oral & Written warning to 5 day suspension	5 day suspension to removal	30 day suspension to Removal
13. Intoxication caused by alcohol:			
a. Reporting for duty or being on duty while under the influence of alcohol.	1 day suspension to 10 day suspension	30 day suspension to removal	Removal
b. Unauthorized possession or use of intoxicants on premises of the Agency.	1 day suspension to 10 day suspension	30 day suspension to removal	Removal
c. Selling intoxicants on premises occupied by the Agency.	Suspension to removal	Removal	
14. Drug use:			
a. Use of illegal drugs	Removal / Offering of Counseling		
b. Possession of illegal drugs on duty.	Removal		

c. Failure to cooperate or comply the drug Testing Program procedures.	Removal		
d. Selling drugs on Agency premises.	Removal		
15. Promotion of gambling or lotteries on Government premises or while in duty status. Sports lotteries/pools are included in this offense.	Oral or Written warning to 10 day suspension	10 day suspension to removal	30 day suspension & Removal
16. Gambling on Government premises or while in duty status. Sports lotteries/ pools are included in this offense.	Oral or Written warning to 10 day suspension	10 day suspension to removal	Removal
17. Lending and borrowing:			
a. Borrowing money or obtaining co-signature from subordinates.	Written reprimand to 5 day suspension	10 day suspension to removal	Removal
b. Lending money to other employees at usurious rates of interest.	Written reprimand to 5 day suspension	10 day suspension to removal	Removal
18. Creating a disturbance in the work place or on premises of the Agency.	Oral or Written warning to 5 day suspension	10 day suspension to removal	30 day suspension to Removal
19. Fighting (includes pushing or other acts against another).	Written reprimand to removal	10 day Suspension to Removal	Removal
20. Conduct which violates common decency or morality including use of improper or offensive language.	Oral or Written warning to 10 day suspension	10 day suspension to removal	30 day suspension to removal
21. Making willfully false, and defamatory statements concerning another employee of the agency.	Written reprimand to 10 day suspension	10 day suspension to removal	30 day suspension to removal
22. Negligent or intentional injury to person or property of other employees.	Written reprimand to removal	10 day suspension to removal	30 day suspension to Removal
23. Safety (non-motor vehicle): Violation of safety regulations, instructions, or prescribed safety practices, including failure to report accident or injury.	Written reprimand to 3 day suspension	5 day suspension to 15 day suspension	30 day suspension to removal

24. Safety (Government motor vehicle operation): Violation of traffic laws, safety regulations or instructions, or safe driving practices, including failure to report accident or injury and failure to comply with the Executive Order of October 1, 2009 prohibiting texting while driving.	Oral or Written warning to removal	10 day suspension to removal	30 day suspension to removal
25. Government Property:			
a. Willful or negligent damage or defacement.	Written reprimand to removal	10 day suspension to removal	30 day suspension to removal
b. Use of or allowing the use of Government motor vehicles, aircraft or watercraft for other than official purposes.	30 day suspension (mandatory) to removal	Removal	
26. Negligence or careless in performance of duty resulting in waste of public funds or inefficiency.	Written reprimand to 3 day suspension	5 day suspension to 10 day suspension	15 day suspension to removal
27. Use of or allowing use of Government funds, credit cards, property (e.g. computers, faxes), personnel, or other resources for purposes not authorized by law or regulation	5 day suspension to removal	30 day suspension to removal	Removal
28. Loafing, willful idleness, wasting time, etc.	Oral or Written warning to 5 day suspension	5 day suspension to removal	30 day suspension to removal
29. Conducting personal affairs while in duty status.	Oral or Written warning to 3 day suspension	Written reprimand to 5 day suspension	10 day suspension to removal
30. Sleeping on duty:			
a. Where safety of persons or property is not endangered.	Oral or Written warning to 5 day suspension	10 day suspension to removal	30 day suspension to removal
b. Where safety of persons or property is endangered.	5 day suspension to removal	30 day suspension to removal	Removal
31. Willful failure or excessive delay in carrying out assignments.	Oral or Written warning to 10 day suspension	10 day suspension to removal	30 day suspension to removal
32. Insubordination (defiance of authority).	Written reprimand to removal	5 day suspension to removal	30 day suspension to removal
33. Misuse of an official Government credential.	3 day suspension to 10 day suspension	10 day suspension to removal	30 day suspension to removal

34. Unethical use of official authority or information.	30 day suspension to removal	Removal	
35. Acceptance of voluntary services for the Government contrary to statute.	Removal		
36. Use or attempted use of influence or pressure to affect the appointment, transfer, advancement or retention of a relative.	5 day suspension to removal	30 day suspension to removal	Removal
37. Violation of "no strike" affidavit.	Removal		
38. Unauthorized canvassing, soliciting or peddling on Agency premises.	Oral or Written warning to 3 day suspension	3 day suspension to 10 day suspension	Removal
39. Acts of sexual harassment			
a. Unwelcome sexual teasing, jokes, remarks, questions, looks, or gestures			
(1) by a non-supervisor	Written reprimand to 5 day suspension	10 day suspension to removal	Removal
(2) by a supervisor	Written reprimand to 10 day suspension	Downgrade, removal from supervisor position, and/or 30 suspension	Removal
b. Unwelcome letters, telephone calls, or materials of a sexual nature			
(1) by a non-supervisor	Written reprimand to removal	Removal	
(2) by a supervisor	Downgrade and removal from supervisory position, and/or 30 suspension	Removal	
c. Unwelcome pressure for dates			
(1) by a non-supervisor	Oral or Written warning to 10 day suspension	Removal	
(2) by a supervisor	Downgrade and removal from supervisory position, and/or 30 suspension	Removal	
d. Unwelcome physical touching of a sexual nature	Removal		
e. Promise of benefit in exchange for sexual favor	Removal		

f. Threat or act of reprisal for refusal to provide sexual favors	Removal		
40. Stalking fellow employee or other person whose relationship to the stalker results from the workplace.	10 day suspension to removal	Removal	
41. Negligent violations of merit principles or procedures with a demonstrable adverse effect on one or more persons.	Written reprimand to 10 day suspension	10 day suspension to removal	30 day suspension to removal
42. Harassing, threatening, or taking reprisal action against an employee as a result of or in anticipation of a grievance, appeal, complaint, or other exercise of rights.	10 day suspension to removal	30 day suspension to removal	Removal
43. Misappropriation of funds.	Removal		
44. Inefficiency. (a) non-supervisor	Oral or Written warning to removal	10 day suspension to removal	Removal
(b) supervisor	Written reprimand to removal	Downgrade, removal from supervisor position, and/or 10 suspension	Removal
45. Gifts to official supervisors-soliciting contributions for gifts or presents to those in superior official positions, accepting gifts or presents from Government employees receiving lower salary, or making donations as a gift or present to official supervisors.	Removal (required by 5 U S C 7375, see also 5 CFR 735.202(d))		
PERSONAL CONDUCT OR CHARACTER			
46. Misconduct generally -- criminal, infamous, dishonest, or notoriously disgraceful conduct.	Written reprimand to removal	10 day suspension to removal	30 day suspension to removal
47. Falsification of official documents such as Time and Attendance Forms, Travel reimbursement vouchers, Annual Evaluation Forms, etc.	Restitution and written reprimand to removal	Restitution and 10 day suspension to removal	Restitution and 14 day suspension to removal
48. Misrepresentation, falsification, or omission of material fact in connection with application employment advancement training or any record report, investigation or other proceeding.	Written reprimand to removal	10 day suspension to removal	30 day suspension to removal

49. Misuse of Government mailing privilege.	Oral or Written Warning to 5 day suspension	10 day suspension to removal	Removal
50. Certification to the accuracy of a position description containing substantial inaccuracies which may be grade controlling.	Written reprimand to removal	10 day suspension to removal	30 day suspension to removal
51. Conduct demonstrating untrustworthiness or unreliability.	Oral or Written warning to removal	10 day suspension to removal	30 day suspension to removal
52. Discrimination. (Race, color, religion, ethnicity, sexual orientation, etc.)	10 day suspension to removal	30 day suspension to removal	Removal
53. Misrepresentation, falsification, exaggeration, concealment or withholding a material fact, or refusal to testify or cooperate in an official proceeding.	Written reprimand to removal	10 day suspension to removal	30 day suspension to removal
54. Failure to honor valid debts or legal obligations.	Written reprimand to removal	10 day suspension to removal	30 day suspension to removal
MISCELLANEOUS OFFENSES			
55. Violation of any administrative regulation which does not provide a penalty.			
a. Minor Offense.	Oral or Written warning to 3 day suspension	Written reprimand to 5 day suspension	10 day suspension to removal
b. Major Offense.	5 day suspension to removal	30 day suspension to removal	Removal

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