

GSA/NCR Human Resources Division

Disciplinary Desk Guide

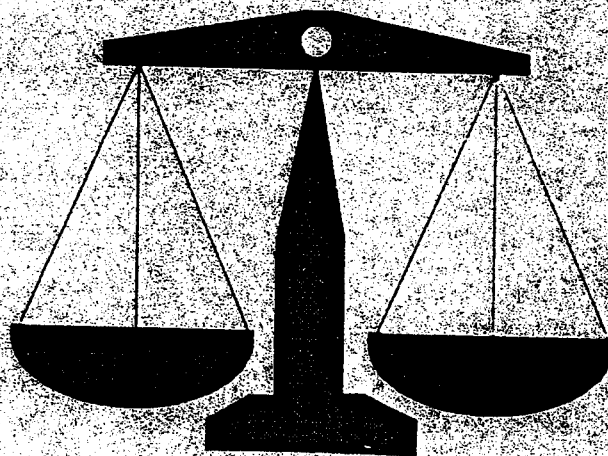


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DISCIPLINARY DESK GUIDE

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BASIC PRINCIPLES OF DISCIPLINE:

The maintenance of good group discipline in GSA and the handling of disciplinary actions, when required, are to be carried out in accordance with the following basic principles:

Primary emphasis is to be placed on positive action by supervisors to prevent situations requiring disciplinary actions.

Employees are expected to adhere to high standards of conduct. When they violate the rules, regulations, or Standards of Conduct, they will be dealt with promptly and adequately, on a fair and equitable basis.

Disciplinary action should be consistent with the principle of like penalties for like offenses, with due consideration for the employee's past record and any other circumstances that, in the exercise of reasonable judgment, detract from or add to the seriousness of the offense.

PURPOSE OF DISCIPLINE:

The purpose of the discipline system is to

- prevent the recurrence of misconduct;
- improve the employee's attitude and behavior;
- and to maintain discipline and morale among other employees.

Where there is reasonable assurance that these purposes can be accomplished through verbal or written counseling, formal disciplinary action should not be taken.

Written counseling, in the form of a letter or memorandum of counseling, is an informal method of bringing to an employee's attention a matter of concern which, if not corrected, could lead to formal disciplinary action. A letter or memorandum of counseling is not forwarded for inclusion in the employee's official personnel folder. However, a copy is maintained in the supervisor's files.

TIMELINESS OF DISCIPLINE:

In order to be effective, disciplinary action must be initiated in a timely manner. Discipline not taken within a reasonable period of time after the occurrence of the misconduct loses its connection with the misconduct and merely becomes punitive.

INQUIRY TO DETERMINE THE FACTS:

For offenses listed in Table I of the GSA Penalty Guide, it is the supervisor's responsibility to secure all the facts that will permit a determination as to what disciplinary or adverse action, if any, is warranted.

The following steps are recommended to guide the conduct of such inquiry:

1. Interview the employee who has allegedly committed an offense. The initial interview should be conducted in private. If the employee's explanation is considered acceptable, the inquiry may be closed at this point.
2. Interview witnesses and any others who are able to furnish pertinent information.
3. Make an effort to reconcile any conflicting statements. This is normally done by reinterviewing the parties concerned.

****This inquiry should be initiated as soon as possible after the supervisor becomes aware of the occurrence.****

There are times when an employee who is in a bargaining unit is entitled to union representation. An employee is entitled to union representation if the employee is being questioned by a management representative in conjunction with an investigation of a problem or incident, the employee reasonably believes that disciplinary action may result from the investigation, and the employee requests representation. Once all of these conditions have been met, an employee is entitled to have a union representative present if a manager continues to ask questions.

If, in the supervisor's opinion, the facts revealed by the inquiry are serious enough to warrant official action involving concurrence by higher level supervision, a report is to be prepared in writing. GSA Form 225, Record of Infraction, is to be used for this purpose whenever practicable.

In the instances of suspected irregularities involving fraud against the Government or any type of misconduct which might be punishable as a criminal offense, such as those listed in Table II of the GSA Penalty Guide, supervisors should not initiate their own inquiries but are expected to report those matters immediately to the Office of the Inspector General or to the local Field Investigations Office with a request for a complete investigation.

RECORD OF INFRACTION:

GSA Form 225, Record of Infraction, may be used by supervisors to initially record violations under Table I of the GSA Penalty Guide. The information on the Record of Infraction may be hand written or printed legibly in ink.

****GSA Form 225 should normally be completed no later than 5 days after the incident.****

- In block 1, the supervisor should state the facts, preferably in chronological order, fully identifying all persons, places, dates, and records.
- After the supervisor has completed his or her report in block 1 and has signed and dated it, the employee may make any statement or comments he or she wishes to in block 2, and should then sign and date block 2.
- If the employee does not wish to make a statement, or does not wish to sign and date block 2, a note to this effect should be entered in block 2 and this note should be signed and dated by the supervisor and by any witnesses to the issuance of the Record of Infraction.
- In block 3, list Warning Notices issued within the past year and other disciplinary actions imposed within the past three years.
- If the official who completes block 4 has the authority to take or propose the action recommended in block 4, block 5 need not be completed.

- If the official who completes block 4 does not have the authority to take or propose the action recommended, block 5 should be completed by an official who does have the authority to take or propose the recommended action.

PENALTY ACTIONS:

1. *Warning Notice* - A letter of reproof addressed to an employee, calling the employee's attention to an infraction of a regulation or a rule of conduct (ordinarily a first offense and not too serious in nature) and admonishing the employee against a repetition of the misconduct. The format to be followed in preparing a Warning Notice is attached. After a Warning Notice has been issued to the employee, the signature copy (receipt copy signed by the employee) of the Warning Notice, along with the Record of Infraction, if used, and any other documents relied on to support the action, shall be sent to the Employee and Labor Relations Branch (WCPR) so that they can be filed in the employee's official personnel folder. The Warning Notice will be withdrawn from the official personnel folder after 1 year.

The Warning Notice should normally be issued no later than 10 days after the occurrence.

2. *Official Reprimand* - A formal notice of official censure for a serious violation of a rule of conduct, regulation, official instruction, or specific responsibility, which cautions the employee of the serious consequences of future violations. The format to be followed in preparing an Official Reprimand is attached. After an Official Reprimand has been issued to the employee, the signature copy of the Official Reprimand, along with the Record of Infraction, if used, and any other documents relied on to support the action, shall be sent to the Employee and Labor Relations Branch (WCPR) so that they can be filed in the employee's official personnel folder. The Official Reprimand will be withdrawn from the official personnel folder after 3 years.

The Official Reprimand should normally be issued no later than 10 days after the occurrence.

3. *Suspension* - The placement of an employee in a temporary non-duty, non-pay status for disciplinary reasons. It may be recommended as a penalty action for a serious first offense, for repetition of a less serious offense for which the employee has previously been given a lesser penalty, or when more than one offense has occurred, each of which, standing alone, might not warrant a suspension.
4. *Removal/Separation* - A drastic penalty which may be imposed only for repeated violations or offenses, or for one or more offenses involving serious misconduct or delinquency. Since removal on charges of misconduct can be expected to make it difficult or even impossible for the employee to continue his Government career in another agency, this step should be taken only after carefully weighing the evidence and determining that such action is necessary to promote the efficiency of the service.

SUBMISSION OF DISCIPLINARY ACTIONS FOR REVIEW:

When an action concerning an offense under Table I of the GSA Penalty Guide is submitted to the Employee and Labor Relations Branch (WCPR) for review, the case file should include the following:

- The Record of Infraction, if used;
- The statements of any witnesses;
- A copy of any current leave restriction letter;
- A copy of any current letter referring the employee to the Employee Assistance Program;
- Any additional information developed as a result of investigating points raised by the employee in his or her statement on the Record of Infraction;
- Any other documents relied upon to support the action.

The case file should normally be submitted to the Employee and Labor Relations Branch no later than 10 days after the occurrence.

NOTICE OF PROPOSED ADVERSE ACTION:

A notice of proposed adverse action for Table I offenses will state the action proposed and the specific reasons for the proposed action, including the employee's past record of offenses, if any. The notice will advise the employee of his or her right to answer orally and in writing, and to furnish affidavits and other documentary evidence in support of the answer, and should identify the official to whom replies shall be made. The notice will also advise the employee of the right to be represented by any attorney or other representative. The material on which a notice of proposed adverse action to remove, suspend, or demote is based and which is relied upon by the agency to support the reasons in the notice, must be available to the employee for review. If in an active duty status, the employee is entitled to a reasonable amount of official time to review the material and prepare an answer. The notice of proposed action will be prepared by the Employee and Labor Relations Branch.

FINAL RECOMMENDATIONS:

As soon as possible after receipt of the employee's oral and/or written reply, or after the time given for reply has expired if the employee made no reply, the complete case file, including the receipted copy of the notice of proposed adverse action, the material supporting the action, the employee's written reply, if any, a summary of the employee's oral reply, if any, and the final recommendation should be forwarded to the Employee and Labor Relations Branch (WCPR). The final recommendation should identify the case, should state specifically whether or not the employee replied in writing and/or in person, should indicate that the replies, if any, have been fully considered, and should state specifically the action being recommended.

NOTICE OF FINAL DECISION ON ADVERSE ACTION:

The notice of final decision on an adverse action shall be prepared by the Employee and Labor Relations Branch. Final decisions shall state that the employee's replies, if any, have been considered, shall state the decision as to the specific action to be

taken, shall state the effective date of the action, and shall state the employee's grievance and/or appeal rights, as applicable.

REFERRAL TO EMPLOYEE ASSISTANCE PROGRAM:

The following informal referral may be included in leave counseling or leave restriction letters, Warning Notices or Official Reprimands:

The National Capital Region offers an Employee Assistance Program which provides prevention, treatment and rehabilitation services to employees who may be experiencing personal problems that contribute to unsatisfactory attendance, performance or conduct.

These services are provided on a confidential basis by Montgomery General Hospital. You may call (800) 222-0364, 24 hours a day, seven days a week, to schedule an appointment with one of the staff counselors.

No personal information concerning your utilization of these services can be obtained by anyone without your written consent.

If the supervisor has reason to believe that an employee's poor attendance, unacceptable performance or misconduct may be attributable to alcohol abuse, drug abuse or other personal problems, the supervisor must formally refer the employee for assistance (see sample letter, page 15). After issuance of the referral letter to the employee, the supervisor must call the counseling service provider to verify whether or not the employee has begun to participate in the program.

LABOR-MANAGEMENT AGREEMENTS:

Labor agreements impose specific requirements on supervisors with regard to initiating and processing disciplinary actions. Supervisors are required to be familiar with, and to comply with these requirements.

January 31, 1989

Types of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
1. Reporting for duty or being on duty under the influence of intoxicants or drugs to such an extent as to render the employee unfit for duty. Also using or selling intoxicants (not controlled substances) on Government-owned or leased premises, or possessing intoxicants on Government property where such possession has been prohibited..			
a. Where safety of persons or property is not endangered thereby.	Warning notice to reprimand	Reprimand to removal	Removal
b. Where safety of persons or property is endangered thereby.	Suspension to removal	Removal	
2. Driving a Government vehicle (or privately owned car on official business) while under the influence of intoxicants or drugs.	Suspension to removal	Removal	
3. Use of illegal drugs by employees serving in positions designated for drug testing as confirmed by a positive test result or refusal to take drug test.	Reprimand to removal	Removal	
4. Recurring tardiness: Being late for work (up to 30 minutes) without adequate justification. A penalty action may be imposed whenever 3 unexcused tardinesses occur within a period of 2 months or less.	Warning notice	Reprimand to suspension	Suspension to Removal
5. Absence from duty for one day or less without permission and without adequate justification; failure to follow instructions for notifying supervisor or obtaining approval for absence. (includes tardiness of more than 30 minutes and leaving the job without permission.)	Warning notice	Reprimand to suspension	Suspension to Removal
6. Absence from duty for more than one day without permission and without adequate justification or failure to follow instructions for notifying supervisor and	Warning notice to reprimand	Reprimand to removal	Removal

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Figure 3-112.1. Penalty Guide, Table I (Part 1 of 3)

Types of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
obtaining approval for absence. (When absence exceeds 10 calendar days without permission and without adequate justification, the penalty of removal may be imposed for the first offense.)			
7. Misuse of sick leave such as working at another job without permission during any period of sick leave, or using sick leave for absences unrelated to illness or medical care (in which case the leave should be changed to AMO; in addition to appropriate discipline) or failure to follow instructions for notifying the supervisor or obtaining approval for absence.	Warning notice to removal	Reprimand to removal	Removal
8. Insubordination: deliberate refusal to comply with authorized instructions issued by a supervisor, disrespect, insolence, and like behavior.	Reprimand to removal	Suspension to removal	Removal
9. Neglect of duty: Sleeping on duty, losing, deliberate failure to be at work on task assigned, unreasonable delay or failure in carrying out instructions, conducting personal affairs on official time, or careless workmanship resulting in waste or delay.			
a. Where safety of persons or property is not endangered.	Warning notice to reprimand	Reprimand to suspension	Removal
b. Where safety of persons or property is endangered.	Reprimand to removal	Removal	
10 Disorderly conduct.			
a. Use of abusive or offensive language; quarreling; creating a disturbance which adversely affects production or morale.	Warning notice to suspension	Reprimand to removal	Removal

Failure to follow instructions given by your supervisor

Figure 3-112.1. Penalty Guide, Table I (Part 2 of 3)

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Types of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
b. Fighting, threatening, attempting inflict or inflicting bodily injury to another individual.	Reprimand to removal	Suspension to removal	Removal
11. Violation of regulations where safety of persons or property is endangered (other than items 1 and 8, above).	Reprimand to removal	Suspension to removal	Removal
12. Indebtedness: failure to demonstrate conscientious effort to pay just financial obligations in a proper and timely manner, or to live up to arrangements agreed upon for payment. (Note: actions should be carefully evaluated for nexus to employment)	Warning notice	Reprimand	Reprimand to removal
13. Engaging in outside employment, business or professional activity without informing supervisor in writing and in advance.			
a. When no conflict of interest is involved	Warning notice	Reprimand	Reprimand to removal
b. When a conflict of interest is involved.	Reprimand to removal	Removal	
14. Unauthorized use of the Federal Telecommunications System or commercial or other official telecommunications facilities.	Warning notice	Reprimand	Reprimand to removal
15. Failure, through willfulness or with reckless disregard for the regulations, to observe any security regulation or order prescribed by competent authority.			
a. Where the violation involved information classified Secret or above.	Reprimand to removal	Removal	
b. Where the violation involved information classified below Secret.	Reprimand to removal	Suspension to removal	Removal
16. Failure, through simple negligence or carelessness, to observe any security regulation or order prescribed by competent authority.	Reprimand to removal	Suspension to removal	Removal

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¹ Investigations of security violations must be done initially by security managers in accordance with ADM P 1025.2B, ch. 10

Figure 3-112.1. Penalty Guide, Table I (Part 3 of 3)

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Types of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
1. Unauthorized use, removal, or possession of Government property, funds, services, supplies, or materials, including use or permitting the improper use of Government charge cards, Accounting Control Transaction (ACT) numbers or other obligating forms or devices, or the property of other employees. (In arriving at the penalty, consideration should be given to the value of the property involved and whether voluntary restitution was made.)	Suspension to removal	Removal	
2. Knowing and willful misstatement or omission of material facts from, unlawful concealment, removal, alteration, mutilation, or destruction of any official document, contract files, or records.	Reprimand to removal	Suspension to removal	Removal
3. Conduct as described in 2 above which results in: Accepting incomplete services, supplies, or materials or misrepresentation of contract inspections, etc., and/or false certification for work not performed or supplies, services, or materials not received; preparing or issuing a contract for services, supplies, or materials which exceeds reasonable requirements; requesting and accepting services, supplies, or materials other than those contracted for; and preparing an inaccurate Government estimate resulting in the acceptance of a given bid/price proposal from a contractor thereby causing damage or financial loss.	Suspension to removal	Removal	
4. Knowing and willful misappropriation of Government funds or other funds which come into employee's possession by reason of his official position.	Suspension to removal	Removal	
¹ Contract throughout this penalty guide denotes all procurement actions which bind the Government, and includes purchase orders, leases and other contracted arrangements.			

January 31, 1989

Figure 3-112.2. Penalty Guide, Table II
(Part 1 of 5) Infractions that must be referred to the OIG

January 31, 1989

Types of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
5. Knowing and willful misstatement of one or more claims (travel vouchers, imprest fund vouchers, time and attendance records, etc.):			
a. Claims for \$100 or less.	Reprimand to removal	Removal	
b. Claims for more than \$100.	Suspension to removal	Removal	
6. Partisan political activity in violation of the law.	Removal or other action as directed by OPM		
7. Knowing and willful use of public office for private gain.	Suspension to removal	Removal	
8. Misconduct whether or not in violation of a criminal statute, which impairs job performance or trustworthiness of the employee or otherwise affects the ability of a part of GSA to perform its mission.	Reprimand to Removal	Suspension to removal	Removal
9. Willful use or authorizing use of Government-owned or leased passenger motor vehicles or aircraft for unofficial purposes.	30 day suspension to Removal ²	Removal	
10. Loss of or damage to Government property:			
a. Through carelessness or negligence or when property involved is of small value.	Warning to suspension	Reprimand to suspension	Suspension to removal
b. Through maliciousness or intent, or when property involved is of significant value.	Reprimand to removal	Suspension to removal	Removal
11. Failure, through negligence, to account properly for Government funds.	Reprimand	Removal	
12. Negligent control of Accounting Control Transaction (ACT) numbers, Government charge cards, and other obligating forms and devices.	Reprimand to suspension	Suspension to removal	Removal

² A 30 day suspension is the minimum penalty prescribed by statute (31 USC 1349(b)). Where the element of willfulness is not clearly shown or when the vehicle is not a passenger vehicle, the same or lesser penalty may be imposed depending on the circumstances.

Figure 3-112.2. Penalty Guide, Table II
(Part 2 of 5) Infractions that must be referred to the OIG

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Types of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
13. Failure to report to the Office of the Inspector General:			
a. Apparent or suspected violations of law in connection with an operation of GSA.	Reprimand to removal	Suspension to removal	Removal
b. Apparent or suspected violation of an order, regulation, or directive in connection with an operation of GSA.	Warning notice to removal	Reprimand to removal	Removal
14. Refusal to provide information in connection with an authorized investigation, and to furnish a signed statement when required, except where such refusal is based upon grounds of self-incrimination in potential criminal prosecution, or privileged communications.	Reprimand to removal	Suspension to removal	Removal
15. Negligent or willful mismanagement of a contract, or failure to administer provisions thereof, whether or not it results in a loss to the Government.	Reprimand to removal, with a minimum of suspension if the employee acted knowingly and willfully	Suspension to removal	Removal
16. Negligent or willful failure to maintain contract files in a complete and correct manner in accordance with regulations and GSA requirements.	Reprimand to removal ³	Suspension to removal	Removal
17. Knowing and willful failure to secure adequate and required competition for contracts in accordance with applicable regulations.	Suspension to removal	14 day suspension to removal	Removal
18. Awarding of more than one contract/purchase order with the intent of avoiding limitations on contracting authority or the requirements of applicable regulations.	Suspension to removal	14 day suspension to removal	Removal
19. Negligently or willfully awarding contracts which exceed contracting authority.	Reprimand to removal ³	Suspension to removal	Removal
³ As in item # 15.			

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January 31, 1989

Figure 3-112.2. Penalty Guide, Table II
 (Part 3 of 5) Infractions that must be referred to the OIG

January 31, 1989

Types of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
20. Negligent or willful: (1) Acceptance of incomplete services, supplies, or materials; or (2) Misrepresentation of contract inspections and certification for work not performed or services, supplies, or materials not received.	Reprimand to removal ³	Suspension to removal	Removal
21. Negligently or willfully preparing or issuing a contract for quantities which exceed reasonable requirements.	Reprimand to removal ³	Suspension to removal	Removal
22. Negligently preparing an inaccurate Government estimate resulting in the acceptance of a given bid/price proposal from a contractor which thereby causes loss to the Government.	Reprimand to suspension	Suspension to removal	Removal
23. Knowingly making false statements which are slanderous or defamatory about other employees or officials.	Reprimand to removal	Removal	
24. Gambling, betting, or promotion thereof on Government-owned or leased property, or while on duty for GSA.	Reprimand to removal	Suspension to removal	Removal
25. Soliciting or making a contribution for a gift (as defined by the GSA Standards of Conduct) to an official superior, or acceptance of such a gift by an official superior.	Removal ⁴		
26. Lending money for profit on Government-owned or leased premises to any other person; borrowing money from a subordinate or securing a subordinate's endorsement on a loan.	Reprimand to removal	Removal	
27. Sale or possession of illegal drugs on Government-owned or leased premises or while on duty.	Suspension to removal	Removal	

³ As in item # 15.

⁴ Required by statute (5 USC 7351).

OAD P 5410.1 CRGE 62

Figure 3-112.2. Penalty Guide, Table II
(Part 4 of 5) Infractions that must be referred to the OIG

OAO P 5410.1 CHGE 62

Types of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
28. Unethical or improper use of official authority or credentials, or unauthorized disclosure or use of official information.	Reprimand to removal	Removal	
29. Improper solicitation or acceptance of gifts, loans gratuities, favors, etc., from persons, firms, or corporations with whom employees have official relations.	Reprimand to removal	Removal	
30. Violating GSA regulations prohibiting the purchase of Government property, personal or real, being sold by GSA.	Reprimand to removal	Removal	
31. Negligent or willful discrimination, including harassment against any employee or applicant for employment based on race, color, religion, sex, age, national origin, physical or mental handicap, marital status, or lawful political affiliation.	Warning notice to removal	Reprimand to removal	Removal
32. Reprisal action against any person for proper exercise of the right to file a discrimination complaint or grievance, or for reporting an irregularity, real or suspected.	Warning notice to removal	Reprimand to removal	Removal
33. Negligent or willful violation of GSA regulations regarding financial interests or transactions that conflict with the performance of official duties.	Warning notice to reprimand	Reprimand to removal	Removal

Figure 3-112.2. Penalty Guide, Table II
 (Part 5 of 5) Infractions that must be referred to the OIG

January 31, 1989

