

TABLE OF OFFENSES AND PENALTIES

Nature of Offense (General Misconduct)	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense	Remarks
<p>1. Attendance-related offenses.</p> <p>a. Absence without leave (AWOL). This includes tardiness and unauthorized delay in returning from lunch and break periods, or in returning after leaving work station on official business; unauthorized departure or absence from duty station.</p> <p>b. Failure to follow established leave procedures; failure to provide administratively acceptable documentation to support absence(s).</p> <p>c. Excessive unauthorized absences (e.g., more than 5 consecutive workdays).</p> <p>d. Failure to report for duty as detailed, transferred, or reassigned.</p>	<p>Written Reprimand to 5-day suspension</p> <p>Written Reprimand to 5-day suspension</p> <p>5-day suspension to removal</p> <p>Removal</p>	<p>5- to 30-day suspension</p> <p>5- to 30-day suspension</p> <p>14-day suspension to removal</p>	<p>30-day suspension to removal</p> <p>30-day suspension to removal</p> <p>Removal</p>	<p>Refer to EEOC Order 550.007 Leave Policies and Procedures for leave requirements and guidance. Penalty depends primarily on length and frequency of unacceptable absences. Removal may be appropriate for a first or second offense if the absence is prolonged, the failure to adhere to leave procedures is flagrant, or the circumstances are otherwise particularly burdensome.</p>
<p>2. Improper or unauthorized release of sensitive and administratively-controlled information or employee records; failure to safeguard classified material.</p> <p>a. Information is not compromised and release is unintentional.</p> <p>b. Information is compromised and release is unintentional.</p>	<p>Written Reprimand to 5-day suspension</p> <p>Written Reprimand to 30-day suspension</p>	<p>5- to 30-day suspension</p> <p>30-day suspension to removal</p>	<p>30-day suspension to removal</p> <p>Removal</p>	<p>Refer to 5 USC 552a and 43 CFR 2.52 for Privacy Act provisions regarding the misuse of personal information; also refer to 18 USC 798 and 18 USC 1905.</p>

<p>c. Release of restricted information is deliberate.</p>	<p>30-day suspension to removal</p>	<p>Removal</p>		
<p>3. Offenses related to substance abuse.</p> <p>a. Alcohol-related</p> <p>(1) Reporting to or being on duty while “under the influence” of alcohol.</p> <p>(2) Unauthorized use and/or possession of alcoholic beverages while on Government premises (or vehicle).</p> <p>(3) Operating a Government vehicle/aircraft while “under the influence” of alcohol.</p> <p>b. Drug-related</p> <p>(1) Administratively confirmed positive finding under the testing portion of the Drug-Free Workplace Program.</p> <p>(2) Unlawful use, being under the influence or unauthorized possession of drugs, drug paraphernalia or controlled substance while on Government premises or in a duty status.</p> <p>(3) Sale or transfer of an illegal drug or controlled substance</p>	<p>Written Reprimand to 5-day suspension</p> <p>Written Reprimand to 30-day suspension</p> <p>30-day suspension to removal</p> <p>Written Reprimand to removal</p> <p>Written Reprimand to removal</p> <p>Removal</p>	<p>5- to 30-day suspension</p> <p>30-day suspension to removal</p> <p>Removal</p> <p>Removal</p> <p>30-day suspension to removal</p>	<p>30-day suspension to removal</p> <p>Removal</p> <p>Removal</p> <p>Removal</p>	<p>Actions involving these offenses must assure that counseling or rehabilitative assistance is offered; however, referral to an employee assistance program (EAP) does not preclude the initiation of corrective action.</p> <p>When there is possession of illegal drugs - call law enforcement and notify Office of the Chief Human Capital Officer Labor & Employee Relations Division as well as Safety, Security & Emergency</p>

<p>while on Government premises (or vehicle).</p> <p>(4) Refusal or failure to provide a required specimen for drug-testing; tampering with a drug-test specimen; refusal to obtain counseling or rehabilitation (after finding of illegal drug use).</p>	<p>14-day suspension to removal</p>	<p>30-day suspension to removal</p>		<p>Preparedness office.</p> <p>When the substance is prescribed by an appropriate medical authority and used accordingly, it would not be an offense.</p>
<p>4. Discourteous conduct (e.g., rude, insolent, disgraceful acts or remarks) toward supervisors, co-workers, or the public.</p>	<p>Written Reprimand to 5-day suspension</p>	<p>5- to 30-day suspension</p>	<p>30-day suspension to removal</p>	<p>5 USC 7503(a) permits suspension of 14 days or less of any employee with four documented instances of discourteous conduct toward the public within a one-year period as confirmed by an immediate supervisor, or any other pattern of discourteous conduct.</p>
<p>5.</p> <p>a. Boisterous or disruptive/disorderly conduct; use of insulting, intimidating, abusive or offensive language to or about another employee or supervisor.</p> <p>b. Negligence, including the careless failure to comply with rules, regulations, written procedures, or proper supervisory instructions.</p> <p>c. Deliberate or malicious refusal to comply with rules, regulations,</p>	<p>Written Reprimand to 5-day suspension</p> <p>Letter of reprimand to 14 – day suspension</p> <p>Letter of reprimand to removal</p>	<p>5- to 30-day suspension</p> <p>5 – day suspension to removal</p> <p>14 – day suspension to removal</p>	<p>30-day suspension to removal</p>	

written procedures, or proper supervisory instructions.				
6. Deliberately making known false, malicious, or unfounded statements against co-workers, supervisors, subordinates, or Government officials which could undermine the authority or damage the reputation of those concerned.	Written Reprimand to removal	14-day suspension to removal	30-day suspension to removal	Refer to 5 USC 2302(b)(8) and (9), prohibiting actions against employees for engaging in protected activities.
7. Threatening statements or behavior (of a physical nature).	14-day suspension to removal	Removal		Charge involving “threat” must consider the listener's reactions, the listener's apprehension of harm, the speaker's intent, any conditional nature of the statements, and the attendant circumstances – refer to <u>Metz v. Dept. of Treasury</u> , 780 F.2d 1001 (Fed. Cir. 1986).
8. Fighting and offenses related to fighting. a. Engaging in potentially dangerous “horseplay.” b. Fighting, attempting to inflict or inflicting bodily harm while on Government premises and/or when in a duty status.	Written Reprimand to 14-day suspension Written Reprimand to removal	14-day suspension to removal Removal	30-day suspension to removal Removal	Penalty depends on such factors as provocation, extent of injuries, and whether actions were defensive or offensive in nature.
9. Misconduct of a sexual nature that includes, but is not limited to, unwelcome sexual remarks, indecent comments/jokes, offensive sexual banter, unwanted sexual advances, or unwelcome physical touching.	Written Reprimand to removal	14- day suspension to removal	Removal	More severe discipline is appropriate for egregious misconduct. Refer to 29 CFR 1604 on EEOC

				Zero tolerance policy.
10. Failure to provide equal opportunity regardless of race, color, religion, gender, national origin, age, marital status, political affiliation, sexual orientation or handicapping condition.	Written Reprimand to removal	14-day suspension to removal	Removal	Refer to 5 CFR 2635.101(13).
11. a. Unauthorized possession/sale (actual or attempted) of Government property or property of others; improper acceptance of Government funds/reimbursement. b. Submission of (or causing or allowing the submission of) falsely stated time logs, leave forms, travel or purchase vouchers, payroll, loan, or other fiscal documents. c. Failure to properly account for or make proper distribution of any property, Government or other funds, or any other thing of value coming into an employee's custody as a result of employment. d. Concealment of (or failing to report) missing, lost, or misappropriated funds, or other fiscal irregularities.	Written Reprimand to removal Letter of reprimand to removal, if for administrative convenience or to avoid following required procedures. Letter of reprimand to removal Letter of reprimand to removal	14-day suspension to removal Removal Removal Removal	30-day suspension to removal	
12. Loss, misuse of, damage to or failure to safeguard Government property, records, or information (e.g., willful or negligent damage to Government resources; carelessness in performance of	Written Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal	Refer to 5 CFR 2635.101(9).

duty resulting in waste of public funds).				
13. Willful use of (or authorizing the use of) any Government-owned or Government – leased passenger vehicles for other than official purposes.	30 –day suspension to removal.	Removal		31 USC 1349 (b) mandates a <u>minimum</u> penalty of a one month suspension for unofficial use of Government passenger carrying vehicles.
14. Failure to comply with safety regulations, instructions or prescribed safe practices; failure to use proper safety equipment; failure to report accident or injury.	Written Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal	
15. Sleeping or loafing while on duty; inattention to duty; willful idleness while on duty.	Written Reprimand to 5-day suspension	5- to 14-day suspension	14-day suspension to removal	Seriousness of offense is greater if persons/property endangered.
16. Failure or delay in carrying out instructions; failure or carelessness in performing assigned work; failure to take/complete officially-directed training.	Written Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal	
17. Insubordination; disregard of directive; refusal to comply with a proper order.	5-day suspension to removal	30-day suspension to removal	Removal	
18. Falsification/misrepresentation of official Government records or documents including, but not limited to, time and attendance records, travel vouchers, job applications, performance appraisals, claims for benefits, and other employment-related documents.	Written Reprimand to removal	30-day suspension to removal	Removal	
19. a. Misrepresentation, falsification, exaggeration,			Removal	

<p>concealment or withholding of material fact in connection with an official Government investigation, inquiry or other administrative proceeding.</p> <p>b. Unethical or improper use of official authority or credentials.</p> <p>c. Unauthorized disclosure or use of (or failure to safeguard) information protected by the Privacy Act or other official, sensitive, or confidential information.</p>	<p>14-day suspension to removal</p> <p>Written Reprimand to removal</p> <p>Written Reprimand to removal</p>	<p>30-day suspension to removal</p> <p>Removal</p> <p>Removal</p>		
<p>20. Refusal to testify or cooperate in connection with any administrative investigation, inquiry, or other proper proceeding (when criminal charges are not anticipated).</p>	<p>5-day suspension to removal</p>	<p>14-day suspension to removal</p>	<p>30-day suspension to removal</p>	
<p>21. Prohibited/improper use of Government property (e.g., office equipment; supplies; facilities; credentials; records; communication resources; cellular phones; official time); misuse of the Internet/electronic mail; using the Internet/electronic mail for unauthorized purposes.</p>	<p>Written Reprimand to 14-day suspension</p> <p>More severe discipline (including removal) may be appropriate for first/second offense if misconduct involves using the Commission's Internet/electronic mail system for prohibited reasons, including gambling, accessing/sending prohibited sexually-related material, or other egregious acts of misuse.</p>	<p>14- to 30-day suspension</p> <p>More severe discipline (including removal) may be appropriate for first/second offense if misconduct involves using the Commission's Internet/electronic mail system for prohibited reasons, including gambling, accessing/sending prohibited sexually-related material, or other egregious acts of misuse.</p>	<p>30-day suspension to removal</p>	<p>Refer to 5 CFR 2635.704 and 705(a). Consider issue of employee notice regarding agency policy.</p>

<p>22. Offenses related to gambling.</p> <p>a. Participating in a gambling activity while on Government premises or in a duty status (e.g., office pools).</p> <p>b. Operating, assisting, or promoting a gambling activity while on Government premises or in a duty status or while others involved are in a duty status.</p>	<p>Written Reprimand to 14-day suspension</p> <p>5- to 30-day suspension</p>	<p>14- to 30-day suspension</p> <p>30-day suspension to removal</p>	<p>30-day suspension to removal</p> <p>Removal</p>	<p>Refer to 5 CFR 735.201.</p>
<p>23. Offenses related to Government travel charge card and/or purchase card.</p> <p>a. Misuse of travel card (i.e., personal/unauthorized purchases) or delinquent in payment.</p> <p>b. Misuse of travel card (i.e., personal/unauthorized purchases) and delinquent in payment.</p> <p>c. Unauthorized use of or failure to appropriately monitor use of Government purchase card; “micro-purchasing” violations.</p>	<p>Written Reprimand to 30-day suspension</p> <p>5- to 30-day suspension</p> <p>Written Reprimand to 30-day suspension</p>	<p>5-day suspension to removal</p> <p>14-day suspension to removal</p> <p>14-day suspension to removal</p>	<p>30-day suspension to removal</p> <p>Removal</p> <p>Removal</p>	
<p>24. Carrying a firearm or other weapon on Government property (or in Government vehicle) unless specifically authorized/required in the performance of duties.</p>	<p>30-day suspension to removal</p>	<p>Removal</p>		<p>Refer to 18 USC 930.</p>
<p>25. Using public office for private gain.</p>	<p>5-day suspension to removal</p>	<p>Removal</p>		<p>Refer to 5 CFR 2635.702.</p>
<p>26. Engaging in unauthorized/prohibited selling, soliciting or fundraising activities.</p>	<p>Written Reprimand to 5-day suspension</p>	<p>5- to 14-day suspension</p>	<p>14-day suspension to removal</p>	<p>Refer to 5 CFR 2635.808.</p>
<p>27. Engaging in prohibited outside employment or private business activities.</p>	<p>Written Reprimand to removal</p>	<p>Removal</p>		<p>Refer to 5 CFR 3501.105.</p>
<p>28. Participating in particular matters while having a conflicting financial interest.</p>	<p>5-day suspension to removal</p>	<p>Removal</p>		<p>Refer to 5 CFR 2635.401.</p>

29. Participating in matters affecting financial interests of an entity where employment is being sought.	5-day suspension to removal	Removal		Refer to 5 CFR 2635.601.
30. Violating the Commission's or any other professional code of conduct that applies to employees required to maintain a professional license or membership.	Written Reprimand to 30-day suspension	30-day suspension to removal	Removal	
31. Violating the Standards of Ethical Conduct not covered elsewhere in this Table.	Written Reprimand to removal	14-day suspension to removal	Removal	Refer to 5 CFR 2635.
32. Unauthorized use of nonpublic information.	Written Reprimand to removal	Removal		Refer to 5 CFR 2635.703.
33. Engaging (on-duty or off-duty) in criminal, infamous, dishonest, or notoriously disgraceful conduct prejudicial to the Government.	5-day suspension to removal	30-day suspension to removal	Removal	
34. Unauthorized use, removal or possession of a thing of value belonging to another employee or private citizen.	Written Reprimand to removal	Removal		
35. a. Acting or failing to act on an official matter (including a personnel action) in a manner which improperly takes into consideration an individual's political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition. [This includes discrimination for or against any employee or applicant for employment prohibited by 42 U.S.C. 2000e-16; 29 U.S.C. 631 or 633a; 29 U.S.C. 206(d); 29 U.S.C. 791; or any other law, rule or regulation.] b. Any reprisal or retaliation action against an individual involved in the EEO complaint process.	5 – Day Suspension to removal 5 – Day suspension to removal	Removal Removal		

<p>c. Use of remarks which relate to and insult or denigrate an individual's race, color, religion, national origin, sex, marital status, age, or handicapping condition.</p> <p>d. Negligence or insensitivity to an individual's race, color, religion, national origin, sex, marital status, age, or handicapping condition which is determined to be discriminatory and where there is no other finding of overt discrimination.</p> <p>e. Failure to take appropriate action regarding allegations or findings of discriminatory practices.</p>	<p>Written Reprimand to 30 – Day Suspension</p> <p>Written Reprimand to 5 – Day Suspension</p> <p>5 – Day Suspension to removal</p>	<p>14 – Day Suspension to removal</p> <p>5 – Day Suspension to removal</p> <p>Removal</p>		
<p>Nature of Offense (Supervisory Misconduct)</p>	<p>Penalty for First Offense</p>	<p>Penalty for Second Offense</p>	<p>Penalty for Third Offense</p>	<p>Remarks</p>
<p>1. Taking, directing others to take, recommending or approving any action which may be considered a “prohibited personnel practice” (e.g., reprisal against an employee for engaging in protected activities; discrimination based on race, color, gender, age, religion, national origin, marital status, political affiliation, sexual orientation or handicapping condition).</p>	<p>5-day suspension to removal</p>	<p>14-day suspension to removal</p>	<p>Removal</p>	<p>Refer to 5 USC 2302, 5 CFR 2635.101(13).</p>
<p>2. Taking reprisal action against an employee for exercising rights provided by the Federal Service Labor-Management Relations Statute.</p>	<p>5- to 30-day suspension</p>	<p>14-day suspension to removal</p>	<p>Removal</p>	<p>Refer to 5 USC, Chapter 71.</p>
<p>3. Neglecting to recommend/take corrective action upon receipt of information regarding the job-related misconduct of a subordinate employee.</p>	<p>Written Reprimand to 30-day suspension</p>	<p>14-day suspension to removal</p>	<p>Removal</p>	
<p>4. Failure to appropriately monitor employee use of</p>	<p>Written Reprimand to 14-day suspension</p>	<p>14-day suspension to removal</p>	<p>Removal</p>	

Government purchase/travel charge card.				
5. Misconduct of a sexual nature that includes, but is not limited to, unwelcome sexual remarks, indecent comments/jokes, offensive sexual banter, unwanted sexual advances, or unwelcome physical touching.	5-day suspension to removal	14-day suspension to removal	Removal	More severe discipline is appropriate for egregious misconduct.
6. Influencing or attempting to influence the EEOC employment of a relative.	5- to 30-day suspension	14-day suspension to removal	Removal	Refer to 5 USC 3110.
7. Using Government employees in duty status for other than official purposes.	Written Reprimand to removal	14-day suspension to removal	30-day suspension to removal	Refer to 5 CFR 2635.705(b).
8. Borrowing money from a subordinate employee, securing a subordinate's endorsement on a loan, or otherwise having a subordinate assume the financial responsibility of a superior.	Written Reprimand to removal	Removal		
9. Use of (or authorizing the use of) employees, or Government owned, leased or provided property, facilities, services or credit cards, for inappropriate or non-official purposes.	Written Reprimand to removal	Removal		
10. Willful use of (or authorizing the use or) any Government-owned or Government-leased passenger vehicles or aircraft for other than official purposes.	30 – Day Suspension to removal	Removal		31 U.S.C. 1349(b) mandates a <u>minimum</u> penalty of a one month suspension for unofficial use of Government Passenger carrying vehicles.
Nature of Offense (Violations of Statute)	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense	Remarks

1. Engaging in prohibited partisan political activity (e.g., partisan campaigning; soliciting/receiving political contributions).	30-day suspension to removal	Removal		Refer to 5 USC, Sections 7321-7326.
2. Participating in a strike, work stoppage, work slowdown, sick-out, or other similar job action.	30-day suspension to removal	Removal		Refer to 5 USC 7311.
3. Misappropriating/misapplying Government funds; directing, expecting, or rendering services not covered by appropriations.	1- to 30-day suspension	30-day suspension to removal	Removal	Refer to 31 USC 1301, 1341 and 1349.
4. Willfully mutilating or destroying a public record.	Removal			Refer to 18 USC 2071.
5. Willfully using or authorizing the use of a Government vehicle/aircraft for other than official purposes.	30-day suspension to removal	Removal		Refer to 31 USC 1344 and 1349.
6. Engaging in actions against national security.	30-day suspension to removal	Removal		Refer to 5 USC 7532.