



UNITED STATES MARINE CORPS  
MARINE CORPS AIR STATION  
BOX 99100  
YUMA, ARIZONA 85369-9100

StaO 12752.1B  
3BF  
02 SEP 1997

STATION ORDER 12752.1B w/CH 1, 2

From: Commanding Officer  
To: Distribution List

Subj: DISCIPLINARY AND ADVERSE ACTION PROCEDURES

Ref: CPI 752

Encl: (1) Disciplinary Actions Procedures

1. Purpose. To establish policy and procedures for disciplinary actions.
2. Policy. To use discipline as a managerial tool to correct deficiencies in employee conduct and performance, as a deterrent to unacceptable conduct or behavior and to maintain discipline and morale among all employees. The objective is to promote the efficiency of the service by ensuring high standards of government service and maintaining public confidence. Adverse actions, including performance-based actions, may be taken under this Station Order only for such cause as will promote the efficiency of the service.
3. Cancellation. StaO 12752.1A.
4. Action. Implement enclosure (1).
5. Applicability. This Station Order applies to employees as defined in Appendix A to enclosure (1) except any individual paid from non-appropriated funds or reemployed annuitants.
6. Summary of Revision. This revision contains a substantial number of changes and should be reviewed in its entirety.

  
C. J. TURNER

DISTRIBUTION: C



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MARINE CORPS AIR STATION  
BOX 99100  
YUMA, ARIZONA 85369-9100

StaO 12752.1B Ch 1  
3BF  
09 SEP 1997

STATION ORDER 12752.1B CH 1

From: Commanding Officer  
To: Distribution List

Subj: DISCIPLINARY AND ADVERSE ACTION PROCEDURES

Ref: CPI 752

Encl: (1) New page inserts to StaO 12752.1B of 2 Sep 97

1. Purpose. To transmit new page inserts to the basic Order.
2. Information. Appendixes C and D to enclosure 1 were inadvertently left out.
3. Action. Attach new appendixes to enclosure (1).
4. Filing Instructions. File this Change transmittal immediately behind the signature page of the basic Order.

  
C. J. TURNER

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BOX 99100  
YUMA, ARIZONA 85369-9100

StaO 12752.1B Ch 2  
3BF  
15 OCT 1997

STATION ORDER 12752.1B CH 2

From: Commanding Officer  
To: Distribution List

Subj: DISCIPLINARY AND ADVERSE ACTION PROCEDURES

Ref: CPI 752

Encl: (1) New page inserts to StaO 12752.1B of 2 Sep 97

1. Purpose. To transmit new page inserts to the basic Order.
2. Information. Revision to Delegation of Authority chart under paragraph 4b has been made.
3. Action. Remove enclosure (1), pages 1 and 2 and replace with the corresponding enclosure contained in the enclosure.
4. Filing Instructions. File this Change transmittal immediately behind the signature page of the basic Order.

  
C. J. TURNER

DISTRIBUTION: C

DISCIPLINARY ACTIONS PROCEDURES

1. General. Employees are subject to disciplinary action if their behavior violates Marine Corps Air Station rules and regulations or higher authority requirement. The procedures described below stress elements of good management practice which should be followed when dealing with a suspected infraction by an employee. These procedures are designed to give management flexibility while ensuring due process for the employee. It should be noted that these procedures apply particularly to non-temporary, non-probationary career and career-conditional employees, and that additional factors must be considered when contemplating discipline for probationary and temporary employees.

2. Actions Covered by this Order. Appealable, grievable and noncontestable actions as defined in Appendix A.

3. Actions Not Covered by this Order

- a. Actions excluded by 5 CFR 752.401(c) (1) through (15).
- b. A suspension or removal taken in the interest of national security.
- c. A reduction-in-force action.
- d. The reduction in grade of an employee who is given grade retention.
- e. A separation during probation under 5 CFR 315.804, or a separation during probation based in whole or in part on pre-appointment reasons under 5 CFR 315.805.
- f. The denial of a within-grade increase.

4. Responsibility. The Commanding Officer is responsible for the overall administration of discipline.

a. Supervisors. All supervisors have the authority to investigate employee behavior, counsel, administer oral admonishments and issue letters of reprimand as needed to maintain the productivity and morale of employees. Supervisors are responsible for:

(1) Communicating to employees standards of conduct and expectations regarding conduct and performance.

(2) Setting a good example by their own conduct.

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CH 2 (15 Oct 97)

(3) Following on-the-job work rules, including reporting for work on time and in a condition which will permit safe and reliable performance of assigned duties.

(4) Performing their job duties at a fully successful level and in a safe and reliable manner.

Employees who fail to comply with (1) - (4), above, may be subject to discipline under this Station Order.

d. Human Resources Office

(1) The Labor Relations Officer (LRO) at HRO is responsible for providing advice and guidance to the employees and managers regarding disciplinary actions and appeal procedures.

(2) The LRO will review the completed Request for Disciplinary Action (MCASY 12430/5) and preliminary background material the supervisor has collected in regards to employee misconduct. LRO will advise the supervisor of any additional information needed before the supervisor conducts a formal investigative discussion (FID) with the employee.

(3) LRO will review all disciplinary and adverse action letters prior to issuance to employee to ensure uniform application of policy and procedures and ensure appropriate personnel actions are coded in the Defense Civilian Personnel Data System.

(4) Copies of investigative background information and all disciplinary and adverse action letters will be forwarded to HRO.

e. Civilian Employees Assistance Program (CEAP). The Family Service Center is responsible for implementing the Civilian Employees Assistance Program (CEAP). A CEAP counselor will be available to provide advice and assistance to those employees who have problems with drugs or alcohol and those who are experiencing difficulties with work due to personal problems.

5. Performance based actions may be effected using the procedures of this instruction or the procedures in StaO 12432.1.

6. Disallowance of an Employee's Choice of Representative. The Commanding Officer may disallow an employee's representative if such representation would result in a conflict of interest or position, conflict with priority needs of the activity, or would give rise to unreasonable costs to the government. The terms of any applicable collective bargaining agreement govern representation for unit employees.

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7. Noncontestable Actions. Oral admonishments, counseling incident forms and letters of caution are not grievable nor appealable to the Merit System Protection Board (MSPB).

a. Oral admonishment. An oral admonishment is oral counseling given by the superior to an employee concerning conduct deficiencies, and warning the employee that a disciplinary action or letter of requirement may be imposed for continued deficiencies.

b. Counseling incident forms. Counseling incident forms document counseling an employee concerning conduct deficiencies, and warning the employee that a disciplinary action or letter of requirement may be imposed for continued deficiencies. A copy of the counseling form will be forwarded to HRO for file in the employee's disciplinary folder. MCASY 12430/4 is provided as Appendix D any may be used to document formal counseling.

c. Letter of caution. A letter of caution is written counseling action issued by a superior to an employee based on specific unacceptable conduct deficiencies. A copy of the letter will be forward to HRO for file in the employee's disciplinary folder. The letter of caution must state:

(1) The reasons(s) for issuance.

(2) That the action is neither grievable nor appealable.

(3) That the letter will not be made a matter of record in the employee's Official Personnel Folder (OPF).

d. Prior Offense. Neither an oral admonishment, counseling incident form, nor a letter of caution will be counted as a prior offense in determining a range of remedies under Appendix B. However, they may be considered in determining an appropriate remedy should an offense later occur.

e. CEAP. When it is suspected that the employee's misconduct is related to drugs, alcohol or personal problems the employee should officially be referred to the CEAP.

9. Grievable Actions. Grievable Actions include letters of requirement, letters of reprimand, and suspensions of 14 days or less.

a. Letters of requirement must state:

(1) The reason(s) for issuance.

(2) The specific requirement(s) the employee must meet.

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(3) That failure to meet a requirement may lead to disciplinary action.

(4) The length of time a requirement is in effect.

(5) The employee's right to file a grievance under the Administrative Grievance Procedure or the Negotiated Grievance Procedure.

(6) That it will not be made a matter of record in the employee's OPF.

(7) That it will not be counted as a prior offense when determining a range of remedies under Appendix B, but may be considered in determining an appropriate remedy should an offense subsequently occur.

b. Letters of reprimand must state:

(1) The reason(s) for issuance.

(2) The employee's right to file a grievance under the Administrative Grievance Procedure or the Negotiated Grievance Procedure as appropriate.

(3) That it will be retained in the employee's OPF for a period of two years and may be counted as a prior offense for determining a range of remedies under Appendix B.

c. Suspensions of 14 calendar days or less entitles the affected employee to:

(1) An advance written notice stating:

(a) The specific reason(s) for the proposed action.

(b) The name and title of the official designated to hear an oral reply and/or receive a written reply. The official so designated must have authority to either make or recommend a final decision on the proposed suspension.

(c) That the employee is allowed 7 calendar days to provide an answer orally and/or in writing and to furnish affidavits and other documentary evidence in support of the answer.

(d) The right to review, or have a representative review, the material relied upon to support the reason(s) given in the notice of proposed suspension.

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(e) That the employee may have a reasonable amount of official time, not to exceed four hours, to review the material relied upon to support the proposal and to prepare an answer and to secure affidavits, if the employee is otherwise in an active duty status.

(2) Be represented by an attorney or other representative.

(3) A written decision at the earliest practicable date which:

(a) Considers only the reason(s) specified in the advance written notice.

(b) Considers any answer the employee and/or the employee's representative made to a designated official, any medical or other documentation furnished, and any entitlement to reasonable accommodation.

(c) Specifies the reason(s) for the decision.

(d) Is signed by an official in a higher position than the official who proposed the action, unless the activity head issued the advance notice, in which case the activity head may issue the decision.

(e) Specifies the employee's right to file a grievance under the Administrative Grievance Procedure or Negotiated Grievance Procedure as applicable.

(f) Is delivered to the employee on or before the effective date of the action.

d. Extensions of reply time. An employee given an advance notice may request additional time to respond orally and/or in writing. The official designated to accept the oral or written reply will make the decision to grant or deny such an extension.

#### 10. Appealable Actions

a. Appealable actions (removal, suspension for more than 14 days or indefinite suspension, reduction in grade or pay, separation for disability reasons or furlough or 30 days or less) entitle the affected employee to:

(1) At least 30 days advance written notice stating:

(a) The specific reason(s) for the proposed action. Material may not be used that cannot be disclosed to the employee or his or her representative or designated physician. If the action is furlough, the

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notice must state the reason(s) for the furlough, and the basis for selecting the employee if all individuals in the employee's competitive level are not being furloughed.

(b) The name and title of the official designated to hear an oral reply and/or receive a written reply. The official so designated must have authority to either make or recommend a final decision on the proposed action.

(c) That the employee is allowed 7 calendar days to provide an answer orally and/or in writing and to furnish affidavits and other documentary evidence in support of the answer.

(d) The right to review, or have a representative review, the material relied upon to support the reason(s) given in the notice of proposed action.

(e) The right to be represented by an attorney or other representative.

(f) That the employee may have a reasonable amount of official time, not to exceed four hours, to review the material relied upon to support the proposal and to prepare an answer and to secure affidavits, if the employee is otherwise in an active duty status.

(2) A written decision at the earliest practicable date which:

(a) Considers only the reason(s) specified in the advance written notice.

(b) Considers any answer the employee and/or the employee's representative made to a designated official, any medical or other documentation furnished, any entitlement to reasonable accommodation, and the recommendation of the designated official (where applicable).

(c) Specifies the reason(s) for the decision.

(d) Is signed by an official in a higher position than the official who proposed the action, unless the activity head issued the advance notice, in which case the activity head may issue the decision.

(e) Specifies the employee's right to appeal to the Merit Systems Protection Board (MSPB) and, when applicable, to file a grievance under a Negotiated Grievance Procedure, but not both.

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(f) Provides the time limits and address for filing an appeal to the MSPB, a copy of the MSPB regulations, a copy of the MSPB Appeal Form, and specifies the time limits for filing a grievance under a Negotiated Grievance Procedure if applicable.

(g) Is delivered to the employee on or before the effective date of the action.

b. Duty status. Under ordinary circumstances, employees will remain in a duty status in their regular positions during the advance notice period.

c. Shortened notice period. The notice period may be shortened when there is reasonable cause to believe that an employee has committed a crime for which a sentence of imprisonment may be imposed. Judicial action is not required. When the circumstances require immediate action, an employee may be placed in a non-duty status with pay for such time, not to exceed ten days, as is necessary to effect the action. Approval of non-duty pay with status must be obtained from the Commanding Officer through HRO.

e. Medical examinations. After reviewing medical documentation supplied by the employee in reply to a proposed action, the deciding official can request a medical examination or, at his option, offer a medical examination following the procedures in CPI 339.

f. Disability Retirement. When the employee has five years or more of civilian service and asserts or documents impairment or disability, he/she shall be provided information concerning disability retirement. An employee's application for disability retirement shall not preclude or delay any other appropriate personnel action.

#### 11. Special circumstances

a. There are special circumstances involving discipline that require handling appropriate to the situation which may be quite different from procedures normally employed. In such cases the provisions of this section take precedence over the procedures delineated in other guidelines of this order.

b. Refusal to follow a direct order. If an employee refuses to follow a direct order, it should be repeated to ensure that the employee understands the order. If the employee still will not follow the order, the supervisor must advise the employee that disciplinary action may result from the refusal. Should the employee still refuse to follow the order, this in effect places the employee in a non-duty, non-pay status. At this point the supervisor will place the employee on an unauthorized absence for the

ENCLOSURE (1)

remainder of the shift and send the employee home. The employee will be instructed to return to duty no later than the beginning of the employee's next scheduled work shift. Should the employee refuse to leave the premises military assistance should be requested to have the employee escorted off the base.

c. Intoxication on the job. When management suspects that an employee is not able to perform their duties and suspects that he/she is under the influence of alcohol, dangerous drugs, or narcotics the employee is considered not ready, willing and able to work. The employee can be offered an opportunity to have someone drive him/her home and the employee will be placed on leave for the remainder of the day. If the employee does not have someone to take him/her home, military assistance may be necessary. If the employee is not fit to work, he/she is not fit to drive and military assistance should be sought. Employees with alcohol related misconduct should be scheduled for counseling with the CEAP counselor. Supervisors are required to refer to the Drug Free Work Place Station Order when suspecting the use of illegal drugs.

d. Serious misconduct of a criminal nature. Serious misconduct is defined as when employees have committed offenses of a criminal nature. A proposed removal will be the initial consideration for any employee who has committed any of the following offenses.

- (1) Attempted theft or theft of government property.
- (2) Physical violence or verbal threats toward a supervisor or another.
- (3) Unlawful distribution, sale, or transfer of drugs or drug paraphernalia on or off duty.
- (4) Possession or use of prohibited firearms or ammunition or attempting to bring prohibited firearms or ammunition on Navy premises.

e. Employee indebtedness. Employees who do not pay their just debts (those acknowledged by the employee or confirmed by a court's judgment) may be subject to disciplinary action, including removal, when deliberate refusal or flagrant, irresponsible conduct reflect unfavorably on the employee's suitability for Federal employment. Employees having indebtedness problems will be encouraged to meet their responsibilities. They will be given counseling and should be given a letter of reprimand if counseling does not result in attempts to settle the debts.

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Normally employees with indebtedness problems will not be suspended from work as a disciplinary penalty, because that would exacerbate the employee's problem. A series of letters of reprimand, each progressively more severe in tone, may be used instead of suspensions. If flagrant irresponsible conduct continues, the employee may be unsuitable for Federal employment (see CPI 735). Penalties imposed on employees who are in debt for use of the government travel card will be disciplined in accordance with Appendix B, Schedule of Penalties.

13. Temporary Employees

a. Temporary employees are subject to discipline in this station order. However, in order for this activity not to be subject to needless arbitration expenses, noncontestable discipline in the form of oral admonishment, counseling incident forms or a letter of caution is generally appropriate. If the conduct is too severe for noncontestable discipline, the employee should be discharged for cause. Exceptions to issue discipline must be granted by the Human Resources Office in order to be consistent with base wide policy and procedures.

b. Under normal circumstances the employee will be given a written notification of discharge for misconduct. Immediate termination may be considered for actions of a severe nature when there is a threat to property, or the safety of the employee or others. The Labor Relations Officer at HRO will be responsible for reviewing the discharge notification letter before departments can issue the letter to employee.

14. Probationary or Trial Period Employees

a. Employees who are on a temporary or trial period may receive disciplinary actions or may be terminated. Should a supervisor determine that the misconduct can be corrected, appropriate discipline should be taken. However, if it is determined that the misconduct may continue, the appropriate action is to terminate the employee's employment.

b. When it is determined that the appropriate action should be disciplinary and not termination, the procedures in this station order apply.

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APPENDIX A - DEFINITIONS

1. Activity. A field installation, headquarters command, or office.
2. Appealable action. A removal; suspension for more than 14 days, including an indefinite suspension; reduction in grade or pay; or a furlough of 30 days or less.
3. Bargaining unit. Non-supervisory, non-managerial and non-professional employees who are represented by a union.
4. Counseling incident form. Written notification issued by a superior to an employee concerning unacceptable conduct and warning the employee that a disciplinary action may be imposed unless the conduct improves (MCASY 12430/4).
5. Current continuous employment. A period of employment or service immediately preceding an action under 5 CFR Part 752 in the same or similar positions without a break in Federal civilian employment of a work day.
6. Day. Calendar day.
7. Drugs. A controlled substance included in Schedules I - V established by section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat 1256) as updated and republished under the provisions of that Act.
8. Drug paraphernalia. Equipment, products, or materials used, intended for use, or designed for use in injecting, ingesting, or otherwise introducing unauthorized or illegal drugs into the human body.
9. Employee. For:
  - a. Grievable actions. An individual presently or formerly employed by the Department of the Navy for whom a remedy can be provided (see CPI 771 for exclusions from the Administrative Grievance System).
  - b. Appealable actions
    - (1) An individual in the competitive service who has completed a probationary or trial period.
    - (2) An individual in the competitive service who is serving in an appointment that requires no probationary or trial period, and who has

APPENDIX A to  
ENCLOSURE (1)

completed one year of current continuous employment in the same or similar positions under other than a temporary appointment limited to one year or less.

(3) An individual in the excepted service who is a preference eligible as defined at 5 U.S.C. 105 and who has completed one year of current continuous service in the same or similar positions.

(4) An individual with competitive status who occupies a position in Schedule B of 5 CFR Part 213.

(5) An individual who occupies a professional and administrative career (PAC) position in Schedule B of 5 CFR Part 213, provided that he or she has completed a trial period of one year after initial appointment in such a position.

(6) An individual who was in the competitive service at the time his or her position was first listed under Schedule A, B, or C of the excepted service (5 CFR Part 213) and still occupies that position.

10. Formal Investigative Discussion (FID). A formal meeting held to question an employee in regards to suspected misconduct. Employees who are within the bargaining unit are entitled to representation during FID's should they request representation.

11. Furlough. Temporary status without duties and pay because of lack of work or funds or for other non-disciplinary reasons.

12. Grade. A level of classification under a position classification system.

13. Grievable action. A letter of reprimand or requirement, or a suspension for 14 days or less.

14. Illegal (or unlawful) use or possession of a drug. Use or possession of a drug without a valid medical prescription from a United States Board Certified physician for the use of that drug or otherwise contrary to law or regulation.

15. Indefinite suspension. The placing of an employee in a temporary status without duties and pay pending investigation, inquiry, or further agency action. The indefinite suspension continues for an indeterminate period of time and ends with the occurrence of the condition(s) set forth in the notice of action which may include the completion of any subsequent administrative action.

16. Letter of caution. A written notification issued by a superior to an employee concerning unacceptable conduct and warning the employee that a disciplinary action may be imposed unless the conduct improves.
17. Letter of reprimand. A written disciplinary action issued by a superior to an employee based on specific unacceptable conduct deficiencies.
18. Letter of requirement. A written notification (order) issued by a superior to an employee concerning conduct deficiencies, such as sick leave abuse or tardiness, which sets forth requirements and procedures to be followed by the employee to avoid a future disciplinary action for similar deficient conduct.
19. Noncontestable action. An oral admonishment or a letter of caution. These actions are not recorded in an employee's OPF. While not grievable under CPI 771, they may be grievable under the provisions of a negotiated grievance procedure for employees in an exclusively recognized bargaining unit.
20. Oral admonishment. An oral notification given by a superior to an employee concerning conduct deficiencies, and warning the employee that a disciplinary action or letter of requirement may be imposed for continued deficiencies.
21. Pay. The rate of basic wage or salary fixed by law or administrative action for the position held by an employee, that is, the rate of pay before any deductions and exclusive of additional pay of any kind.
22. Qualified handicapped employee/person. With respect to employment, a handicapped person who, with or without reasonable accommodation, can perform the essential functions of the position in question without endangering the health and safety of himself or herself or others and who, depending upon the type of appointing authority being used: (1) meets the experience and/or education requirements (which may include passing a written test) of the position in question, or (2) meets the criteria for appointment under one of the special appointing authorities for handicapped persons.
23. Reasonable accommodation. Accommodation to an employee's physical or mental handicapping condition which will allow the employee to perform the essential duties of the position without endangering the health and safety of that employee or others and which will not impose an undue hardship on the activity. Reasonable accommodation may include referral to the Civilian Employee Assistance Program (CEAP) for and referral for treatment or rehabilitation or other assistance; granting of leave for treatment,

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rehabilitation or assistance; and a reasonable opportunity to demonstrate minimally acceptable performance or conduct. Refer to 29 CFR 1613.704 for additional information. A decision to provide reasonable accommodation does not preclude concurrent disciplinary action.

24. Removal. Involuntary separation of an employee from the Federal service except when taken as a reduction-in-force action.

25. Request for Disciplinary Action. Form documenting the preliminary investigation of employee misconduct and requesting HRO action or assistance. (MCASY 12430/5)

26. Similar positions. Positions in which the duties performed are similar in nature and character and require substantially the same or similar qualifications, so that the incumbent could be interchanged between the positions without significant training or undue interruption of the work.

27. Suspension. Placing an employee in a temporary status without duties and pay for disciplinary reasons, including pending inquiry.

28. Trafficking (drug). Unlawful manufacture, distribution, sale or transfer of drugs, and/or the unlawful possession of drugs with the intent to distribute, sell, or transfer.

29. Union representative. Union member requested in writing to represent an individual bargaining unit employee in disciplinary or grievable actions.

APPENDIX B

INSTRUCTIONS ON USING THE SCHEDULE OF PENALTIES IN APPENDIX B

1. Instructions for Use. The schedule of penalties in Appendix B is a guide. Remedies for offenses should normally fall within the range shown in the schedule unless mitigating or aggravating factors justify a remedy outside the range. For example, remedies greater than those shown can be appropriate when an aggravated offense, frequent infractions, or simultaneous multiple offenses are established.

a. The schedule does not cover every possible offense. When specifying an offense not listed on the schedule, the use of terms such as "theft" or "fraud," which require establishing the element of intent, should only be used when the element of intent can be proven.

b. Some of the offenses listed in the schedule combine several offenses in one statement connected by the word "or." Use only the part of the statement which describes the employee's actual conduct; leave out parts which do not apply.

c. Due to the nature of their positions, offenses by supervisors or managers may warrant more severe remedies than the same offense committed by a non-supervisory employee.

d. The schedule generally provides for a range of remedies, e.g., Reprimand to Removal, to provide flexibility in correcting conduct deficiencies. Selection of a reasonable remedy from such a broad range should be made with good judgment. Excessive, arbitrary or capricious remedies, and remedies selected without consideration of mitigating factors may be reversed by third parties if challenged.

e. All disciplinary actions are to be taken following the provisions of law.

2. Past Offenses

a. When used to select a range of remedies or remedy, a past offense must be described in sufficient detail to enable the employee to understand and respond to it. Past offenses may be used in determining a range of remedies or remedy when:

- (1) The employee was formally disciplined in writing.

(2) The employee was provided the opportunity to dispute the action to a higher level.

(3) The action was made a matter of record in the employee's Official Personnel Folder.

b. Any past offense may form the basis for proposing a remedy from the next higher range of remedies for a subsequent offense. The offenses need not be identical or similar.

c. The following actions may not be counted as past offenses for determining a range of remedies (however, actions discussed in paragraphs (1) and (2) may be considered when determining an appropriate remedy within a range for any subsequent offense):

(1) Oral admonishments and letters of caution or requirement.

(2) Expired letters of reprimand before the advance written notice required in this order.

(3) Reductions in grade or pay not effected for disciplinary reasons.

(4) Proposed disciplinary or adverse actions.

SCHEDULE OF OFFENSES AND RECOMMENDED REMEDIES  
RANGE OF PENALTIES - APPENDIX B

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
<u>ALCOHOL ABUSE</u>			
Unauthorized possession, sale or transfer of alcohol on duty or on a military installation	14-day suspension to removal	30-day suspension to removal	Removal
Use of, or being under the influence of alcohol on duty	14-day suspension to removal	30-day suspension to removal	Removal
<u>ATTENDANCE</u>			
Excessive unauthorized absence (more than 5 consecutive workdays)	Reprimand to removal	10-day suspension to removal	Removal
Leaving job to which assigned or Department of the Navy premises at any time during working hours without proper authorization	Reprimand to 5-day suspension	Reprimand to 10-day suspension	Removal
Unexcused or unauthorized absence on one or more scheduled days of work or assigned overtime	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Unexcused tardiness	Reprimand	Reprimand to 5-day suspension	Reprimand to removal
<u>DISCRIMINATION</u>			
Discrimination against an employee or applicant based on race, color, religion, sex, handicap, national origin, or age, or any reprisal or retaliation action against a complainant, representative, witness, or other person involved in the EEO process	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Sexual harassment	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
<u>DRUG ABUSE</u>			
Unlawful use or possession of drugs or drug paraphernalia on or off duty	1 day suspension to removal	Removal	
Unlawful distribution, sale, or transfer of drugs or drug paraphernalia on or off duty	Removal		
<u>DRUG TESTING</u>			
Refusal to provide a urine sample when required	Reprimand to removal	Removal	

Substituting, adulterating or otherwise tampering with a urine sample, testing equipment or related paraphernalia	30-day suspension to removal	Removal	
<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
<u>DRUG TESTING CONTINUED</u>			
Attempted or actual falsification, misstatement or concealment of a material fact, record, correspondence or other communication prepared in connection with the collection, handling, transportation or testing of urine samples	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
<u>MISCELLANEOUS OFFENSES</u>			
Betting, gambling, or the promotion thereof on duty or on Department of the navy premises	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Careless workmanship resulting in delay in production or spoilage or waste of materials	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Criminal, dishonest, infamous or notoriously disgraceful conduct	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Disobedience to constituted authorities; deliberate refusal or failure or delay in carrying out any proper order, work assignment or instruction; insubordination, including failure to follow local or higher level policy	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Disrespectful conduct, use of insulting, abusive or obscene language to or about other personnel	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
Falsification (or aiding or assisting in falsification) of time and attendance records or claims against the government	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Falsification, misstatement, or concealment of material fact in connection with any official record	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
False testimony or refusal to testify in an inquiry, investigation or other official proceeding	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Loafing; wasting time; inattention to duty; sleeping on duty	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
Making threats to other employees or supervisor; fighting; engaging in dangerous horseplay	Reprimand to removal	5 day suspension to removal	10-day suspension to removal
Misuse or abuse of the government travel card	1-day suspension to 14 day suspension	14-day suspension to removal	30-day suspension to removal
Reckless driving or improper operation of motor vehicle:			
Causing personal injury to self or others or damage to government property	Reprimand to removal	14-day suspension to removal	30-day suspension to removal

No personal injury to self or others or damage to government property	Reprimand to 5-day suspension	Reprimand to 10-day suspension	14-day suspension to removal
Unauthorized possession, use, loss or damage to government property or the property of others	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
<u>MISCELLANEOUS OFFENSES CONTINUED</u>			
**Misuse of a Government vehicle	Reprimand to removal	30-day suspension to removal	Removal
Knowingly making false remarks with the intent to hurt or harm a person's reputation	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
<u>PROHIBITED PERSONNEL PRACTICE</u>			
Committing a prohibited personnel practice (see 5.U.S.C. 2303)	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
<u>SAFETY</u>			
Failure to observe posted smoking prohibitions	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Failure to use protective clothing or equipment	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Violation of safety or traffic regulations on duty or on an installation (on or off duty):			
Causing injury to self or others or damage to property or endangering the safety of self or others	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
No injury or property damage; not endangering the safety of self or others	Reprimand to 5-day suspension	Reprimand to 10-day suspension	Reprimand to removal
<u>SECURITY</u>			
Failure to safeguard classified material:			
Security compromised	Reprimand to removal	14-day suspension to removal	Removal
Security not compromised	Reprimand to 5-day suspension	Reprimand to 14-day suspension	30-day suspension to removal
Unauthorized use of government computers, associated equipment and Information Systems.	Reprimand to removal	14-day suspension to removal	Removal
<u>UNAUTHORIZED DISCLOSURE OR USE OF PROTECTED MATERIAL</u>			
Unauthorized disclosure or use of information or other protected material (e.g., records covered by the Privacy Act or under 42 CFR Part 2 (CEAP Records))	Reprimand to Removal	14-day suspension to removal	30-day suspension to removal

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\*\* 31 U.S.C. 1349 (b) requires a minimum suspension of one month even for the first offense, if the misuse was willful, i.e. employee acted either with knowledge that the intended use would be characterized as unofficial or with reckless disregard of whether such use was unofficial.

APPENDIX B to  
ENCLOSURE (1)



**COUNSELING INCIDENT FORM**

EMPLOYEE:	DEPARTMENT:	DATE:
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I counseled the above-named employee on the date above concerning the following matter(s):

**NATURE AND DATE OF OFFENSE OR PERFORMANCE DEFICIENCY**

- Sick leave usage and possible abuse of sick leave.
- Attendance and/or using annual leave is rapidly as it accrues.
- Failure to schedule annual leave in advance and/or repetitively calling in requesting emergency annual leave.
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- Failure to call in within the first two hours of the workshift.
- Tardiness.
- Careless workmanship.
- The requirement to safeguard government tools and safety equipment.
- Unavailability for call back work or overtime assignments.
- Leaving job to which assigned without supervisory authorization.
- Delay in carrying out work assignments; loafing or inattention to duty.
- Attitude in dealing with customers or others.
- Personal problems which may be affecting their performance of duty.
- Employee referred to Civilian Employees Assistance Program (CEAP).
- Personal phone calls during work hours.
- Use of government vehicles.
- Unsafe work habits.
- Other:

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**Employee Comments (Optional):**

COUNSELING OFFICIAL (SIGNATURE AND TITLE)	EMPLOYEE (SIGNATURE)
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COPY TO EMPLOYEE  
COPY TO FILE