



# **DISCIPLINARY AND ADVERSE ACTIONS GUIDE FOR MANAGERS**

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## Introduction

Constructive discipline is preventative in nature, taken only when necessary, and then, promptly and equitably. Its objectives are to develop, correct and rehabilitate employees, and encourage their acceptance of appropriate standards of conduct. Penalties must be reasonable and applied as consistently as possible, considering the particular circumstances of the cause(s) for disciplinary action. If employee is in a bargaining unit, managers must always review the negotiated agreement/contract established between the union and the command for any special requirements or procedures prior to initiating any action.

Maintaining discipline usually is not a problem within a work environment where reasonable rules and standards of conduct and performance are clearly communicated and consistently and equitably enforced. Situations may arise in any work environment, however, where some type of disciplinary action is necessary. In these instances, management has several options and these are outlined below in order of least severe to most severe.

## Non-Disciplinary Actions

- Oral Admonishment - Minor Disciplinary Measures

Management may take any of several actions intended to make an employee conscious of inappropriate work habits, work methods or behavior, and to ensure acceptable behavior in the future. These measures may be a prelude to taking more serious disciplinary action if the objectionable actions are repeated. These actions include:

- Oral Warning/Oral Reprimand
- Letter of Caution/Admonishment/Warning
- Letter of Requirement

There is no prescribed format or content for the foregoing measures. Organizations may choose to use them in different ways. An oral admonishment is a verbal warning by a management official that a particular action or behavior must change. Putting this information in writing as a letter of caution or admonishment simply reinforces the message that you want conveyed.

[Click here for a sample Letter of Caution](#)



A letter of requirement prescribes procedures the employee must follow in the future. This requirement is based upon a failure by the employee to conform to expected norms. A letter of requirement may impose more stringent demands for a fixed period of time on the affected employee than is required of other employees in the same work unit. The most common illustration of this is a letter of requirement for suspected abuse of sick leave. Managers are encouraged to inform the employee on the benefits of the [Family Medical Leave Act \(FMLA\)](#) as it may pertain to their situation.

[Click here for a sample Letter of Requirement](#)

## Disciplinary Actions

- Reprimand

A letter of reprimand is the least serious formal disciplinary action that may be taken against an employee. A letter of reprimand is typically maintained in the employee's Official Personnel Folder for a two-year period (some negotiated agreements provide a shorter retention period for employees in the bargaining unit). During that two-year period, the letter may serve as a basis for justifying more severe disciplinary action should a further infraction of the same type occur. It is one step up in severity from an oral or written admonishment or letter of caution. A letter of reprimand may follow a minor disciplinary measure (such as a letter of caution) or may be issued instead of a minor disciplinary measure because of the significance of the infraction.

Letters of reprimand are not addressed in statute or regulation. Their content and format may vary slightly from organization to organization. Supervisors should consult their servicing human resources office for specific guidance in the preparation and use of letters of reprimand.

[Click here for a sample Letter of Reprimand](#)

- Suspensions

A suspension is an action that places an employee, for disciplinary reasons, in a temporary status without duties and pay. A suspension, regardless of duration, is a formal disciplinary action. Ordinarily, it is the final step in the disciplinary process before removal action, if there is further misconduct and is accompanied by a warning to the employee that a further violation of rules could result in removal from Federal Service.



**A suspension prevents an employee from performing work and denies salary for the suspension period. Therefore, a suspension is not normally imposed for indebtedness or for performance-related factors in non-disciplinary situations.**

**Because precedent cases are being decided periodically that change employee rights and Federal procedures, you should consult a servicing personnel specialist prior to initiating such an action or making any final decision.**

- **Fourteen Calendar Days or Less**

**The period of suspension is normally expressed in calendar days. The statutory rights of employees to grieve or appeal the decision to suspend depend on the length of the suspension. Employees suspended for 14 calendar days or less have the right to an advance notice of the proposed action, a reasonable time (generally 7 calendar days, but could be not less than 24 hours) to reply, representation, and a written agency decision. Employees not covered by a union agreement may grieve the decision under the administrative grievance procedure. Bargaining unit employees generally must grieve using the negotiated grievance procedure. Supervisors should consult their labor and employee relations' staff when considering a suspension.**

- **More than 14 Calendar Days**

**Employees suspended for more than 14 calendar days have the right to at least 30 days advance written notice of the proposed action, a reasonable amount of time (generally 14 calendar days, not less than 7 days) to reply, representation (if they desire), a reasonable amount of official time to review the material relied on to support the action, and a written decision. Employees are entitled to appeal the decision to the Merit Systems Protection Board (MSPB). Bargaining unit employees generally have the option of grieving the decision in accordance with the provisions of the applicable negotiated grievance procedure. Supervisors should consult their labor and employee relations' staff when considering a suspension.**

**A proposed suspension may be decided in the employee's favor, upheld as proposed, or mitigated to a suspension of a lesser number of days or to a lesser penalty (e.g., letter of reprimand) after the deciding official takes into consideration the employee's answer, the totality of the evidence, the potential for the employee's rehabilitation, and other factors. The remedy imposed may not be more severe than originally proposed. If mitigated, the decision letter should reference the original disciplinary action proposed and then indicate the action has been mitigated to a lesser penalty and the reason for the decision to mitigate. Also, if discipline is effected, the decision letter will advise the employee of his/her right to grieve or appeal that decision and the procedure to follow.**



[Click here for a sample Letter of Proposed Suspension of 14 Calendar Days or Less](#)

[Click here for a sample Decision Letter for a Suspension of 14 Calendar Days or Less](#)

[Click here for a sample Letter of Proposed Suspension of More than 14 Calendar Days](#)

[Click here for a sample Decision Letter for a Suspension of More than 14 Calendar Days](#)

- **Reduction in grade and/or pay (Demotion for Cause)**

If demotion or removal was proposed, the employee may be demoted either by redesigning his/her current position to a lower grade by deleting higher graded duties or responsibilities or by moving him/her to a different lower graded position. The change to lower grade may be within the employee's current work area or it may be to another position elsewhere in the organization. The position must be available, the employee must be qualified for it, and the gaining supervisor must be willing to accept the employee knowing the reasons for the placement action.

- **Removal (Permanent Employee)**

Removal is the involuntary separation of an employee from employment. It terminates the employee's status as a Federal employee. Removal is the most severe sanction that the Government may impose. It may also be necessary in certain "non-disciplinary" situations, e.g. loss of an essential qualification, unavailability for duty, or failure to meet medical/physical standards. In these uncommon cases, voluntary misconduct is not usually involved.

Before removal is initiated, the facts and circumstances in the case must be carefully reviewed to ensure they support the conclusion that the employee has demonstrated unwillingness or refusal to conform to the rules of conduct or has breached very seriously the employee-employer relationship. It also must be found that rehabilitation is not appropriate and removal is appropriate for the offense(s). A removal for misconduct may be based upon the employee's actions on or off the job. If the misconduct is off the job, however, there must be a clear connection (nexus) between the misconduct and the individual's employment, e.g., embezzlement of funds from a church could well be grounds for removing someone from an Accounting Technician positions, but not as clearly from a Clerk-Typist position. Normally, disciplinary actions are



progressive. If efforts to rehabilitate an employee have failed, removal should be considered. Removal for misconduct is preceded by progressively more severe actions unless the misconduct is so serious or the violation of rules and regulations so flagrant that discharge for a first or second offense is clearly warranted, e.g., accepting bribes in exchange for government contracts.

An employee against whom removal is proposed, is entitled to:

- At least 30 calendar days advance written notice. However, under 5 U.S.C. 7513 (b) (1) (the crime provision), this 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.
- A reasonable amount of time, generally 14 calendar days but not less than 7 calendar days, to answer orally or in writing (or both) and to furnish affidavits and other documentary evidence in support of the answer. Consult and adhere to any applicable internal regulations or collective bargaining agreement requirements.
- Representation by an attorney or other representative.
- A reasonable amount of official time to review the material relied on to support the proposed action, to prepare an answer and to secure affidavits, if the employee requests time and is otherwise in an active duty status.
- If the employee is covered by a negotiated agreement and that agreement contains adverse action procedures, the provisions of that agreement must be followed.
- A written decision and the specific reason(s) for the decision at the earliest practicable date, but before the effective date of the action.

[Click here for sample Letter of Proposed Removal](#)

[Click here for sample Decision Letter to Effect Removal](#)

- Removal (Temporary Employee for Cause)

Employees who are serving under a temporary appointment of less than one year should generally not be disciplined. If counseling does not produce the desired corrective action, termination of the employee's appointment should be considered. Activities should contact their HRO-W Labor Relations account executive for assistance when contemplating action against such an employee.



**[Click here for sample letter of Termination of Temporary Employee](#)**

▪ **Removal (Employee Serving a Probationary Period)**

The Office of Personnel Management (OPM) imposes a one-year probationary period on all employees who are hired from an OPM Register and similarly, a two-year trial period for all employees hired under the Veterans Readjustment Act (VRA). The purpose of this period is to serve as a final examination of the employee's fitness for retention in the Federal service. During this time, the employee should be given full opportunity to adjust to the work, the environment, and prove himself/herself capable and worthy of retention by the employer. The employee should be informed of any shortcomings in order to provide him/her the opportunity to make adjustments and needed improvements.

Generally, probationary employees should not be disciplined via the grievable disciplinary action route. If counseling does not produce the desired results, termination of the probationary or trial period appointment should be considered.

A probationary or trial period employee may be separated for cause. However, care should be taken to insure that the employee did have a fair trial period. An employee covered by this section need merely be given a notice of separation any time before the effective date telling him/her the basic reason for the separation, the date of separation, provided that the separation date is no later than the last day of the probationary period.

The HRO-W, Labor Relations Department should be consulted when separating probationers for conduct prior to their appointment to a Federal position as special procedures are require.

The following are steps that should be followed when terminating a probationary or trial period employee:

- **Contact your HRO-W Labor Relations account executive for advice and assistance;**
- **Secure documentation related to the incident;**
- **Meet with the employee to hear his/her side of the incident;**
- **Prepare draft letter and send it, along with documentation, to your HRO-W Labor Relations account executive;**



- Issue letter after securing the HRO-W Labor Relations account executive's advice. Simultaneously, forward a SF-52 for processing. Have the employee sign acknowledging receipt of the letter or make a note to your file attesting delivery of the letter; and,
- Send signed and receipted copy of the letter to your HRO-W Labor Relations account executive.

[Click here for sample letter to Effect Termination of Probationary/Trial Appointment](#)

## **Equal Employment Opportunity (EEO) Considerations**

It is worth mentioning at this point certain information relating to EEO considerations. Above we have mentioned employees' rights to grieve or appeal the various forms of discipline. In addition, employees (including those terminated during their probationary period) may file an EEO complaint. Here are some considerations that may help you understand the Federal approach to EEO concerns.

Three of the Federal Merit principles that guide the action of Federal managers apply in disciplinary and adverse action cases.

1. Treat employees and applicants fairly and equitably.
2. Maintain high standards of integrity, conduct, and concern for the public interest.
3. Manage employees efficiently and effectively.

Because these are general principles they allow for a wide range of interpretations. Here are some considerations that you should keep in mind as you determine whether disciplinary action is appropriate and the level of severity that is necessary to correct the behavior.

- Disciplinary actions are not considered to be single, isolated incidences and must be viewed within a context of how other similar types of inappropriate behavior and misconduct has been treated within your organization and activity in the past. Fairly and equitably as a minimum means consistently. So if you are not sure how your organization has treated similar cases in the past, ask your immediate supervisor and contact your HRO advisor who probably has some records of past cases.



- **Employees often contact the EEO office for advice and assistance when faced with disciplinary or adverse action. Employees have a right to make such contacts if they believe that discriminatory actions are involved. Since this is a right, you should grant a reasonable amount of excused absence to contact or visit the EEO office (usually this is between 2 and 4 hours).**

**Do not change your behavior toward the employee in any way after the person may have begun discussions with the EEO office. If you change your behavior toward the individual, the employee may file an additional charge of reprisal or retaliation because of the change. Consistency (again meaning fairly and equitably) is the important notion here. If you must change work assignments, hours of duty, etc., then before you make the change discuss the reason with your HRO advisor. Where changes are required, they should be for sound business reasons, tied to the integrity, efficiency and effectiveness of government service.**

- **Should you be contacted by a member of the EEO office regarding a potential complaint – don't panic. The first stage in the processing of an EEO allegation is referred to as the counseling phase. During that phase a trained EEO counselor attempts to clarify the issues involved and to resolve the issues if possible. The EEO counselor is neutral and should be provided all the information sought. Provide information on the employee's conduct or behavior and the reason you took the action you did. The information you provide should again reflect sound business reasons, tied to the integrity, efficiency and effectiveness of government service information.**
- **Keep in continual contact with your HRO advisor should you have any questions or concerns.**

## **Delegation of Authority**

**When issuing any type of written proposal or decision, the manager must ensure that proper procedures have been followed to comply with the commands delegation of authority as it pertains to performance and conduct base actions.**



## Burden of Proof

In disciplining employees, management bears the responsibility of proving the appropriateness of its actions, if challenged. Significant disciplinary actions (e.g., suspensions of greater than 14 calendar days, reductions in grade or pay, or other and removals) may be appealed to the Merit Systems Protection Board (MSPB). In an appeal to MSPB, management must be prepared to demonstrate by a preponderance (i.e., 51 percent) of the evidence that the misconduct wrongdoing occurred, that there is a rational connection between the misconduct or other cause of action and the "efficiency of the service," and that the penalty selected did not clearly exceed the limits of reasonableness. Two tools that supervisors should use in this process are a [Summary of Facts Concerning Offense](#) and a [Supervisor's Checklist of Douglas Factor Considerations](#).

## Civilian Employee Assistance Program

Managers are encouraged to allow reasonable 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 or safety of that employee or others, and which will not impose undue hardship on the activity. Reasonable accommodation may include referral to the Civilian Employee Assistance Program (CEAP) for diagnostic counseling and referral for treatment rehabilitation or other assistance. CEAP may be reached at (202) 433-0086. Additionally, managers may make available to the employees information concerning the [Family Medical Leave Act \(FMLA\)](#) in an effort to assist them with attendance problems. The following link is provided for further details regarding FMLA: <http://www.opm.gov/oca/leave/html/fmlafac2.htm>. A decision to provide reasonable accommodation does not preclude concurrent disciplinary action.

In order to assist you determining the proper course of action, [Appendix \(A\)](#) is provided (Schedule of Offenses And Recommended Remedies).

## Summary of Facts Concerning Offense

Supervisors should record the following information when considering an adverse action involving appeal rights (e.g., a suspension of more than 14 days). This information could also be helpful in any disciplinary situation.

1. Employee: List name, position title, grade and organization.
2. Alleged Offense: Identify the infraction.
3. Details: Furnish a complete chronology of the incident or offense, including identification of other individuals or witnesses involved, dates, times, and places.



- 4. Employee's Explanation:** Summarize the employee's explanation of what happened and why.
- 5. Previous Offenses:** List any offense for which disciplinary action has been taken and include date and penalty.
- 6. Action Proposed:** Review pages in this module pertaining to discipline. Complete the Supervisor's Checklist of Douglas Factor Considerations. Then, state the action you consider appropriate under the circumstances.

**Submit completed Supervisor's Checklist of Douglas Factor Considerations and above information to your HRO-W Labor Relations Specialist.**

**Supervisor's signature, telephone number, and date**



## Supervisor's Checklist of Douglas Factor Considerations

Employee's Name \_\_\_\_\_  
Position Title/Series/Grade \_\_\_\_\_  
Length of Federal Service \_\_\_\_\_ Action Proposed \_\_\_\_\_

For each factor below, indicate what consideration was given to that factor in selecting the proposed adverse action and in making a decision. If a factor was not applicable, indicate "NA." In completing this form bear in mind that the agency has the burden of proving the reasonableness of its actions. For factors 3 and 4, check the employee's records. For factor 6, consult the HRO.

- \_\_\_\_\_ 1. Consider the nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
- \_\_\_\_\_ 2. Consider the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.
- \_\_\_\_\_ 3. Consider the employee's past disciplinary record.
- \_\_\_\_\_ 4. Consider the employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
- \_\_\_\_\_ 5. Consider the effect of the offense on the employee's ability to perform his/her job at a satisfactory level and its effect on supervisor's confidence in the employee's ability to perform assigned duties.
- \_\_\_\_\_ 6. Consider the consistency of the penalty with those imposed on other employees for the same or similar offenses.
- \_\_\_\_\_ 7. Consider the consistency of the penalty with agency guidance on disciplinary actions.
- \_\_\_\_\_ 8. Consider the notoriety of the offense and its impact on the reputation of the agency.
- \_\_\_\_\_ 9. Consider the clarity with which the employee was on notice of any rules violated in committing the offense, or any warning about the conduct in question.
- \_\_\_\_\_ 10. Consider the potential for the employee's rehabilitation.
- \_\_\_\_\_ 11. Consider mitigating circumstances surrounding the offense such as unusual job tensions, personnel problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved in the matter.
- \_\_\_\_\_ 12. Consider the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Supervisor's signature and date

\_\_\_\_\_

## **Information for the Designated Deciding Official**

The following worksheet is provided to better prepare you should the action be appealed to the Merit Systems Protection Board or a third party.

### **HUMAN RESOURCES OFFICE, WASHINGTON (HRO-W) DISCIPLINARY/ADVERSE ACTION WORKSHEET QUESTIONS FOR PROPOSING/DECIDING OFFICIALS**

**Introduction:** Proposing and deciding officials should take the time to carefully and accurately answer the questions listed below. They are the types of questions you might be asked under oath if the action is appealed to the Merit Systems Protection Board (MSPB) or other third party. Should the case be appealed to MSPB, Navy will be required to demonstrate:

- (1) There was a preponderance of evidence to substantiate the reasons and specifications identified in the proposal letter;**
- (2) A nexus (connection) existed between the employees conduct and the efficiency of the service; and**
- (3) The adverse action effected was appropriate in light of the offense and any mitigating factors such as the employee's length of service, work performance record, and position in the organization.**

#### **PREPONDERANCE OF THE EVIDENCE**

- 1. Who was directly involved in the incident(s); were there any witnesses?**
- 2. What happened?**
- 3. When did it happen?**
- 4. Where did it happen?**
- 5. Why did the incident(s) occur?**
- 6. What proof do you have the offense was committed by the employee in question? For example, do you have witness statements attesting to the employee committing the offense; do you have time cards and leave slips if the offense is related to time and attendance; do you have lab reports if drugs are involved; or do you have copies of current regulations if violations of same are cited.**



**7. Is the evidence consistent? What discrepancies exist in the evidence? Can you account for these discrepancies?**

**8. What is the employee's side of the incident'?**

**9. Is there any evidence related to this matter that you have not previously brought to your HRO-W labor-relations account executive's attention? (If yes, make sure they are aware of it!)**

#### **NEXUS (CONNECTION) BETWEEN THE EMPLOYEE'S MISCONDUCT AND THE EFFICIENCY OF THE SERVICE**

**1. How is the employees misconduct related to his/her job?**

**2. How did the employee's misconduct directly affect his/her work or the work of others?**

**3. What did the employee's misconduct cost the Federal government? Cost can be defined in dollars, lost production time, broken equipment, etc.**

#### **APPROPRIATENESS OF THE PENALTY**

**1. The Merit Systems Protection Board set out guidelines explaining the types of factors agencies should consider in selecting a penalty. These factors include:**

**a. The nature and seriousness of the offense, and its relation to the employee's duties, position and responsibilities, including whether the offense was intentional or technical or inadvertent, or was frequently repeated;**

**b. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;**

**c. The employees past disciplinary record;**

**d. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers and dependability;**

**e. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;**

**f. Consistency of the penalty with those imposed upon other employees for the same or similar offenses;**



- g. Consistency of the penalty with any applicable agency table of penalties;**
- h. The notoriety of the offense or its impact upon the reputation of the agency;**
- i. The clarity with which the employee was on notice of any rules which were violated in committing the offense, or had been warned about the conduct in question;**
- j. Potential for the employee's rehabilitation;**
- k. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and**
- l. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.**

**Not all these factors apply in every case. Thus, you must consider the relevant factors given the circumstances of each individual case, and strike a responsible balance within tolerable limits of reasonableness. You should not evaluate the relevant factors "mechanistically" by formula.**

- 2. What factors cited above do you consider relevant to this case?**
- 3. How did each factor you considered affect your decision concerning this matter?**
- 4. Based on the above, what penalty do you feel is appropriate?**

#### **MISCELLANEOUS**

- 1. Are there any adverse EEO implications? (If yes, please explain.)**
- 2. Are there any indications the employee had an alcohol or drug problem? (If yes, has the employee been referred through the Civilian Employee Assistance Program (CEAP) for counseling and been given a reasonable opportunity to demonstrate acceptable conduct or performance?)**
- 3. Is the employee handicapped as defined in 29 CFR 1613.70(a)? (If yes, what attempts have you made to reasonably accommodate the employee's handicap?)**
- 4. Have you, in your supervisory capacity, violated any rules, regulations, or laws? (If yes, please explain.)**



5. Have there been any allegations that you have violated rules, regulations, or laws? (If yes, please explain.)

6. Has anyone applied pressure on you to take action against this employee? (If yes, please explain.)

7. Have you talked to, or written, (including informal memos) anyone above you about this matter? (If yes, please explain.)

8. Has anyone above you written to you about this matter? (if yes, please explain.)

9. Does anyone other than you have files on this employee? (If yes, please explain.)

10. Did you consider reasons, other than those cited in the proposal in making your decision on this matter? (If yes, please explain.)

## Related Links

- Human Resources Washington Web Page:  
<http://www.ndw.navy.mil/HRO/index.htm>
- Office of Civilian Human Resources – Labor Relations Web Page  
[http://www.donhr.navy.mil/managers/dealing\\_with\\_unions.asp](http://www.donhr.navy.mil/managers/dealing_with_unions.asp)
- Civilian Personnel Management Service/Field Advisory Services Division – Supervisor’s Guide Labor-Management Relations  
[http://www.cpms.osd.mil/fas/labor/pdf/supv\\_hb\\_03.pdf](http://www.cpms.osd.mil/fas/labor/pdf/supv_hb_03.pdf)
- Office of Personnel Management – Labor Relations Web Page  
<http://www.opm.gov/lmr/index.asp>
- DoD Civilian Personnel Manual - DoD 1400.25-M SC 711, Labor - Management Relations: <http://www.cpms.osd.mil/cpm/docs/M1400711.pdf>
- Code of Federal Regulations – Title 5 Part 752, Adverse Actions  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_01/5cfr752\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/5cfr752_01.html)
- US Code Title 5 Part III, Subpart F – Labor – Management and Employee Relations  
<http://www4.law.cornell.edu/uscode/5/plllspF.html>
- Merit Systems Protection Board - <http://www.mspb.gov/>



## **SCHEDULE OF OFFENSES AND RECOMMENDED REMEDIES**

### **1. Instructions for use of this schedule**

**a. This schedule is a guide. Discipline is not punitive in nature, is expected to be progressive for subsequent offenses, and normally falls within the range shown in this Appendix or those established in an Alternative Discipline System. Mitigating or aggravating factors can justify a remedy outside the range. For example, remedies greater than those shown can be appropriate when the facts of an aggravated offense, frequent infractions, or simultaneous multiple offenses are established.**

**b. Consistent with DON policy in SECNAVINST 12752.XX, the schedule generally provides for a range of remedies (e.g., Reprimand to Removal) to provide management with flexibility in correcting conduct deficiencies. Selection of a reasonable remedy from such a broad range should be made with good judgment, including consideration of any appropriate "Douglas Factors," Appendix C. Excessive, arbitrary or capricious remedies and remedies selected without consideration of mitigating factors may be reversed by third parties, if challenged.**

**c. Some of the offenses listed in this schedule combine several offenses in one statement connected by the word "or." Use only the portion of the statement of offense that accurately describes the employee's conduct; leave out all parts that do not apply. In choosing a charge, it may be better to describe the offense, rather than select a charge from the schedule that does not accurately describe the offense, and then to refer to similar offenses in the schedule when selecting the remedy.**

**d. The schedule does not cover every possible offense. When specifying an offense not listed in the schedule, be careful when using terms such as "theft" or "fraud," which require establishing the element of intent and should only be used when the element of intent can be proven. Management officials should contact their servicing HRO for assistance in framing appropriate charges.**

**e. 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.**

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

**g. All adverse action cases, whether based on off-duty or on-duty misconduct, require establishment of a nexus or link between the conduct and its effect upon the efficiency of the service. Nexus is normally assumed when**



the misconduct is sustained in on-duty misconduct cases. In taking adverse actions for off-duty misconduct, the deciding official must show, by preponderant evidence, that the adverse action will promote the efficiency of the service by establishing a nexus between the off-duty misconduct and the employee's or activity's performance. The activity should not rely on a presumption of nexus but should make its strongest possible argument and introduce evidence showing the relationship between the misconduct and the employee or activity's performance. The Merit Systems Protection Board generally recognizes three independent means by which an agency may show a nexus linking an employee's off-duty misconduct with the efficiency of the service: (1) a rebuttable presumption of nexus that may arise in certain egregious circumstances based on the nature and gravity of the misconduct; (2) a showing by preponderant evidence that the misconduct affects the employee's or his co-workers' job performance, or management's trust and confidence in the employee's job performance; and (3) a showing by preponderant evidence that the misconduct interfered with or adversely affected the agency's mission. Actual impairment need not be shown, but the agency can establish that the off-duty misconduct is "directly opposed to the agency's mission." Some of the means for showing nexus include but are not limited to establishing: the probability that off-duty misconduct could happen at work; the misconduct caused such notoriety it has affected activity's ability to accomplish its mission; the misconduct impacted the work of the supervisor or other employees in the work area.

h. Servicing HROs can provide advice and assistance with issues such as establishing the required nexus between off-duty misconduct and the efficiency of the service, appropriate wording of the charge(s), application of mitigating factors, consistency of remedies, etc., based on current case law. Activity heads/commanders, managers, and supervisors delegated authority to propose and/or decide disciplinary actions are encouraged to take advantage of such assistance to ensure conformance with this Directive.

## 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 disciplined in writing;

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



**(3) The action was made a matter of record in the employee's OPF.**

**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. In its decision in United States Postal Service v. Gregory (122 S. Ct. 431 (2001)), the Supreme Court held that the Board may independently review prior disciplinary actions which are pending in grievance proceedings in order to determine the reasonableness of the penalty under appeal. You are cautioned to carefully examine any prior disciplinary actions that are being challenged if they are a factor in determining the reasonableness of the penalty.**

**d. The following actions may not be counted as past offenses for determining a range of remedies (however, actions discussed in paragraphs (1) and (2) above 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) Letters of reprimand dated more than two years before the date of any advance written notice required under this Directive.**

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

**3. Other statutory and regulatory offenses. For information concerning other offenses for which employees may be disciplined by removal, fine or imprisonment, including offenses which require minimum mandatory remedies (such as misuse of government vehicles, Hatch Act violations, and giving gifts to superiors), see 5 CFR 734, 5 CFR 735, 5 CFR 2635, and DoD 5500.7-R.**

**4. Drug and alcohol abuse offenses. Any employee who engages in misconduct involving drugs and/or alcohol shall be disciplined according to this Appendix, except when covered under safe harbor. Safe harbor is a special situation described as: When the activity is unaware of illegal drug usage, an employee who voluntarily refers himself or herself to the CEAP as a user of illegal drugs under the Safe Harbor provisions of Implementation Directive 792-XX (Civilian Drug-Free Workplace Program in the Department of the Navy) will be exempt from disciplinary action for the admitted acts, including possession incident to such use, provided the employee meets and complies with the requirements of Implementation Directive 792-XX, paragraph 7.b. Employees who admit to using drugs after being notified of a scheduled drug**



test or just after it is collected, or found to use drugs on the basis of appropriate evidence, drug trafficking and other drug-related misconduct are not covered under safe harbor, per Implementation Directive 792-XX, paragraph 7.b. Also, safe harbor does not insulate the employee from removal based on loss of security clearance. The range of remedies is broad for the various drug abuse first offenses. To determine the appropriate corrective action, you will consider the Douglas Factors in Appendix C. In doing so, you must also recognize that some positions are so sensitive that the conduct affects the employee's or his co-workers' job performance or negatively impacts management's trust and confidence in the employee's job performance. Thus, while counseling is always offered, a higher penalty than the minimum is appropriate in such cases.

**5. Reasonable Accommodation.** Guidance on providing reasonable accommodation is found at the EEOC web site (<http://www.eeoc.gov>) entitled Enforcement Guidance: on Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act. You should also check with Office of Counsel to ensure you apply this guidance in a manner consistent with DON Policy.

a. Under the Rehabilitation Act Amendments of 1992, the standards applied under Title I of the Americans with Disabilities Act (ADA) are applicable to Federal employees. Section 104(c)(4) of the ADA permits a covered employer to hold employees who have drug and alcohol problems to the same qualification standards for employment or job performance and behavior as other employees, even if any unsatisfactory performance or behavior is related to the employee's alcoholism. (29 U.S.C. s 12114(c)(4))

(1) An agency is no longer required to offer an alcoholic employee who engages in misconduct a firm choice between treatment and discharge. While the ADA requires employers to consider other forms of reasonable accommodation for employees with alcoholism, for example, a flexible schedule or leave to accommodate an employee's treatment, employers do not have to excuse the violation of uniformly applied conduct or job performance standards by offering firm choice as a form of reasonable accommodation. (Dennis D. Johnson v. Babbitt, Secretary, Department of the Interior, EEOC Petition No. 03940100 (28 March 1996))

(2) To be considered a request for reasonable accommodation, the employee must request accommodation before she/he has committed the misconduct that violates one of the agency's qualification standards for employment or job performance and behavior under which the agency uniformly imposes discipline. (Francis P. Walsh v. USPS, 74 M.S.P.R. 627(1997))



**(3) An individual who is currently engaging in the illegal use of drugs, when the agency acts on the basis of such use, is excluded from the definition of "individual with disabilities" in accordance with 29 CFR 1614.203(h).**

**(4) Trafficking in drugs is misconduct that does not normally entitle an employee to reasonable accommodation. Accordingly an employee who traffics in drugs will be subject to remedies as provided for in this Appendix.**

**b. Undue hardship on an activity/command. 29 CFR 1614.203 provides that reasonable accommodation is not required when it would impose an undue hardship on the operation of the program of the employee's activity/command. Undue hardship must be based on an individualized assessment of current circumstances that show a specific reasonable accommodation would cause significant difficulty or expense.**

**c. Conduct that takes an employee outside the protection of the Rehabilitation Act. Similar to paragraph b above, the MSPB has held that there are "...certain acts of misconduct which when committed by an employee who is an alcoholic or drug addict, take that employee outside the scope of the protecting legislation because the misconduct renders that person not a 'qualified' individual with disabilities." Egregious or notorious misconduct that hampers an employee's ability to perform his or her duties or to represent the agency, or which strikes at the core of the job or the agency's mission, can, standing alone, disqualify a Federal employee from his or her position (see *Hougens v. U.S.P.S.*, 38 M.S.P.R. 135 (1988)).**



## Schedule of Offenses and Recommended Remedies

### Range of Remedies

<u>Offense</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
<b>Alcohol Abuse</b> Unauthorized possession, sale or transfer of alcohol on duty or on a military ship, aircraft, submarine, activity, or command	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal
Use of, or being under the influence of alcohol on duty or on a military ship, aircraft, submarine, activity or command *	14-Day Suspension to Removal	30-Day Suspension to Removal	Removal
* See paragraphs 4 and 5 of the introduction to this table			
<b>Attendance</b>			
Excessive unauthorized absence (more than 5 consecutive workdays)	Reprimand to Removal	10-Day Suspension to Removal	Removal
Leaving job to which assigned or leaving Navy premises at any time during working hours without proper authorization	Reprimand to 5-Day Suspension	Reprimand to 10-Day Suspension	Reprimand to 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
<b>Discrimination</b> Discrimination against an employee or applicant based on race, color, religion, sex, disability, national origin, or age, or any reprisal or retaliation action against a complainant, representative, witness, or other person involved in the EEO complaint process	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal
Discrimination based on sexual orientation	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
<b>Drug Abuse</b> Unlawful use, being under the influence, or possession of drugs or drug paraphernalia on or off duty*	14-Day Suspension to Removal	Removal	
Unlawful use, being under the influence, or possession of drugs or drug paraphernalia on a military ship, aircraft, or submarine*	30-Day Suspension to Removal	Removal	
Refusal to obtain counseling and rehabilitation after having been found to use illegal drugs	Reprimand to Removal	Removal	
Unlawful distribution, sale or transfer of drugs or drug paraphernalia on or off duty	Removal		

\* Mandatory referral to CEAP is required. For additional guidance see paragraphs 4 and 5 of the introduction to this table.

### Drug Testing

<b><u>Offense</u></b>	<b><u>First Offense</u></b>	<b><u>Second Offense</u></b>	<b><u>Third Offense</u></b>
Refusal to provide a urine sample when required	14-Day Suspension to Removal	Removal	
Failure to appear for testing when directed, without a deferral	Reprimand to Removal	Removal	
Substituting, adulterating or otherwise tampering with a urine sample, testing equipment or related paraphernalia	14-Day Suspension to Removal	Removal	
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
<b>Miscellaneous Offenses</b>			
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
Discourteous conduct to the public confirmed by an immediate supervisor's report of four such instances within any one-year period	Reprimand to 14-Day Suspension		
Excessive discourteous conduct to the public within any one-year period or any other pattern of discourteous conduct	Reprimand to 14-Day Suspension	7 to 14-Day Suspension	14-Day Suspension to Removal
Disrespectful conduct, use of insulting, abusive or obscene language to or about other personnel	Reprimand to Removal	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	14-Day Suspension to Removal	30-Day Suspension to Removal
Misuse of government vehicle*	Reprimand to Removal	30-Day Suspension to Removal	Removal

<u>Offense</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
<b>Reckless driving or improper operation of motor vehicle:</b>			
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, theft or damage to government property or the property of others**	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal
Misuse of government equipment (e.g. unauthorized use of electronic mail, internet, phones, or facsimile equipment)	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal
Misuse of government sponsored travel charge card (e.g. use for unauthorized personal expenses, failure to pay charge card bill in a timely manner, or failure to use card for required expenses arising from official travel)	Reprimand to Removal	5-Day Suspension to Removal	10-Day Suspension to Removal
Unauthorized use of or failure to appropriately monitor use of government purchase card	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal
* 31 U.S.C. 1349(b) requires a minimum suspension of 30 calendar days 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			
** Under Miguel v. Department of the Army, 727 F.2d 1081, 1083-84 (Fed. Cir. 1984), the Federal Circuit Court held that activities must consider the value of items stolen when determining a penalty for "unauthorized possession" or "theft" of government property. In the absence of aggravating factors, a removal based on de minimis theft will likely result in mitigation of the penalty, even when the activity can show that the employee was on notice that discipline, including removal, could result from theft of government property.			
<b>Prohibited Personnel Practice</b>			
Committing a prohibited personnel practice (See 5 U.S.C. 2302)	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal
<b>Safety</b>			
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
<b>Violations of safety or traffic regulations on duty or on an installation (on or off duty):</b>			
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
<b>Security</b>			
<b>Failure to safeguard classified material:</b>			
Security compromised	Reprimand to Removal	14-Day Suspension to Removal	Removal
	Reprimand to 5-	Reprimand to 14-	30-Day

<u>Offense</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
Security not compromised	Day Suspension	Day Suspension	Suspension to Removal
<b>Unauthorized Disclosure Or Use Of Protected Material</b> Unauthorized disclosure or use of information or other protected material (e.g., records covered by the Privacy Act under 42 CFR Part 2 (CEAP records))	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal



**SAMPLE LETTER OF CAUTION**

**(DATE)**

**From: (TITLE, DEPARTMENT, ACTIVITY, ADDRESS)**

**To: (NAME, POSITION TITLE, GRADE)**

**Subj: LETTER OF CAUTION**

**Ref: (a) HROWASHDCINST 12752.2 (current version)**

**1. This letter serves to caution you for (NATURE OF ACTION), as detailed below:**

**a. (GIVE SPECIFICS)**

**b. On (DATE), I personally discussed the above situation with you and emphasized the need for correction.**

**2. A copy of this letter will be retained by me for a period not to exceed one year. This letter is temporary in duration and will not be filed in your Official Personnel Folder.**

**3. This letter is being issued to improve the situation at hand. It is neither grievable nor appealable under established procedures.**

**(s) \_\_\_\_\_**

**I acknowledge receipt of this notice on**

**\_\_\_\_\_**  
**Date**

**\_\_\_\_\_**  
**Employee's Signature**



**SAMPLE LETTER TO EFFECT TERMINATION  
OF PROBATIONARY/TRIAL APPOINTMENT**

(DATE)

**From: (TITLE, DEPARTMENT, ACTIVITY, ADDRESS)**

**To: (NAME, POSITION TITLE, GRADE)**

**Subj: NOTICE OF DECISION TO EFFECT TERMINATION OF PROBATIONARY  
APPOINTMENT**

**Ref: (a) HROWASHDCINST 12752.2 (current version)**

**1. On (DATE) you were employed by (ACTIVITY) as a (TITLE, SERIES, GRADE). You were informed that your appointment was subject to the satisfactory completion of a probationary period to end (DATE PROBATION END).**

**2. You are hereby notified that your continued employment in the Federal service has not been justified and you will be separated from the rolls of (ACTIVITY) during probation, based on the following:**

**a. (GIVE SPECIFIC REASONS FOR TERMINATION)**

**3. You will be removed from the rolls of (ACTIVITY NAME) effective (DAY AND DATE), which shall be your last day as an employee of this Activity. Before leaving, you must checkout through the personnel and security offices.**

**4. You have no statutory right of appeal from this termination. You may appeal to the Merit Systems Protection Board (MSPB) only if you are alleging that the action was taken for partisan political reasons or marital status. An appeal to MSPB must be submitted not later than 20 calendar days after the termination has been effected to be considered timely filed. The MSPB regulations and appeal form may be obtained from the Labor-Management Relations Department, Human Resources Office, Washington, 1014 N Street, SE, Suite 1, Building 200-G, Washington Navy Yard, Washington, D. C. 20374-5050 or the MSPB website, <http://www.mspb.gov/>.**

(s) \_\_\_\_\_

I acknowledge receipt of this notice on

\_\_\_\_\_

Date Employee's Signature

Copy to:  
HRO-W, Code 50



**SAMPLE TERMINATION OF A TEMPORARY EMPLOYEE**

(DATE)

**From:** (TITLE, DEPARTMENT, ACTIVITY, ADDRESS)

**To:** (NAME, POSITION TITLE, GRADE)

**Subj:** TERMINATION OF TEMPORARY APPOINTMENT

**Ref:** (a) HROWASHDCINST 12752.2 (current version)

1. On (DATE) you were employed under a temporary appointment not to exceed one year in the position of (TITLE, GRADE), in the (DEPARTMENT), (ACTIVITY).

2. In accordance with reference (a), you are hereby notified that your appointment will be terminated because of (REASON(s)). SPECIFY THE PROBLEM (s) YOU ARE EXPERIENCING WITH THE EMPLOYEE).

3. Temporary appointments are used to assist during unusual workload and/or to meet deadlines. Your (SPECIFY PROBLEM(s) WITH CONDUCT) defeat(s) the purpose for which temporary appointments are utilized.

4. The termination of your appointment will be effective on (DATE). Before leaving, you must checkout through the personnel and security offices.

(s) \_\_\_\_\_

**Copy to:**  
HRO-W, Code 50



## SAMPLE LETTER OF REPRIMAND

**NOTE: Use reference (a) as appropriate to your Activity and paragraph 4 in accordance with the same.**

---

(DATE)

**From: (TITLE, DEPARTMENT, ACTIVITY, ADDRESS)**

**To: (NAME, POSITION TITLE, GRADE)**

**Subj: LETTER OF REPRIMAND**

**Ref: (a) HROWASHDCINST 12752.2 (current version)**

**OR**

**a) Negotiated Agreement between (ACTIVITY) and (UNION)**

**1. I am issuing you this letter of reprimand in accordance with reference (a) as the minimum disciplinary action which I feel will correct your (NATURE OF ACTION). The specifics, which prompted this action, are as follows:**

**a. Reason 1: (SPECIFY USING TABLE OF REMEDIES AS A GUIDE).**

**Specification: (PROVIDE A FACTUAL SUMMARY OF THE INCIDENT INCLUDING PEOPLE INVOLVED, DATES, TIMES, PLACES, EVIDENCE, ETC. ALSO INCLUDE A STATEMENT ON HOW THE EFFICIENCY OF THE SERVICE WAS ADVERSELY AFFECTED BY THE EMPLOYEE'S CONDUCT.)**

**2. The range of remedies for similar offenses is reprimand to \_\_\_\_\_. I consider a reprimand to be an appropriate remedy because (REASONS WHY YOU BELIEVE THIS LETTER WILL CORRECT CONDUCT).**

**3. A copy of this letter will be filed in your Official Personnel Folder for a period of two years. This offense will be reviewed and may be a factor in determining the severity of any corrective action that might be issued should subsequent offenses occur.**

**4. You may grieve this reprimand under the administrative grievance procedure by presenting your grievance, in writing, to (ACTIVITY HEAD) within 15 calendar days of receipt of this letter.**

**OR**

**5. You may grieve this reprimand under the negotiated grievance procedure as outlined in reference (a).**



6. Copies of applicable regulations as well as the official case file are available to you and your representative, if appropriate, in the Labor-Management Relations Department, Human Resources Office, Washington, 1014 N Street, SE, Suite 1, Building 200-G, Washington Navy Yard, Washington, D.C. 20374-5050. Should you require assistance or further information regarding your rights, you may consult with (NAME OF SPECIALIST), Labor-Management Relations Department, HRO-W, on (xxx) xxx-xxxx..

(s) \_\_\_\_\_

I acknowledge receipt of this notice on

\_\_\_\_\_

Date

\_\_\_\_\_

Employee's Signature

Copy to:  
HRO-W, Code 50  
Official Personnel Folder



## SAMPLE LETTER OF REQUIREMENT

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For actions against employees covered by a negotiated agreement, check the negotiated agreement and substitute the following for paragraph 7:

7. You may grieve this letter of requirement under the grievance procedure negotiated by {UNION} and (ACTIVITY) .An extra copy of this letter is provided in case you wish to provide (UNION) a copy, or otherwise obtain its assistance.

---

(DATE)

From: (TITLE, DEPARTMENT, ACTIVITY, ADDRESS)

To: (NAME, POSITION, TITLE, GRADE)

Subj: LETTER OF REQUIREMENT

Ref: (a) 5 CFR Part 630

(b) HROWASHINST 12630.1 (current edition)

1. This is to inform you of your unsatisfactory attendance record and the conditions under which further requests for leave will be approved and/or disapproved. A review of your leave record between \_\_\_\_\_ and \_\_\_\_\_ indicates you have used \_\_\_\_\_ hours sick leave, \_\_\_\_\_ hours annual leave, \_\_\_\_\_ hours leave without pay for a total of \_\_\_\_\_ hours during this period.

2. You are hereby directed to contact me or \_\_\_\_\_, whenever you anticipate being tardy or if you are unable to report for duty. In the event you are unable to reach either of us, you should contact \_\_\_\_\_. Be advised that acknowledgment of your call will not constitute approval of your tardiness or absence, but it will permit appropriate adjustment for planning the workload. I will make a determination regarding approval/disapproval upon your arrival or return to duty. Validation requirements will be imposed and you will be carried as absence without leave (AWOL) for any questionable absences.

3. Further, you are hereby required to submit a doctor's certificate that you are incapacitated for duty because of medical reasons for each absence, regardless of duration, which you state is due to illness or injury upon your return to work. This certification must cover the entire period of absence and must contain sufficient information, so that I can make a proper determination concerning approval of your request for leave. Certification indicating "PATIENT WAS UNDER MY CARE/PATIENT WAS SEEN BY ME" or words to that effect will not be accepted. This documentation must include a diagnosis, the reason for when a claim of incapacitation was made and why light duty was not appropriate. You are also required to submit acceptable certification by a physician for each absence, regardless of duration, which you state is for medical examination or treatment. If your application for leave is not supported by acceptable medical certification, your leave may be disapproved and your absence charged to AWOL.



4. The information below summarizes your right to use leave and this command's right to deny leave.

a. **Annual Leave.** Employees have the right to take annual leave, subject to the right of the Agency to establish the time when leave may be taken, in accordance with Agency regulations. Therefore, an Agency has no obligation to approve requests for annual leave, whether or not made in advance or on an emergency basis, if the employee's services are required during the period for which leave is requested.

b. **Leave Without Pay.** Except as provided for by regulation, leave without pay is at the discretion of the employing Agency and is not the right of the employee. In granting and denying leave without pay, a supervisor or manager considers whether the employee's services can be spared. Even though the reasons for requesting the leave are known to be legitimate. e.g., illness or personal emergency, leave can be denied when the Agency must have the service of an individual who must be ready and able to do the job. Any annual leave and leave without pay not approved in advance will not be approved unless your services are not required for the period of requested leave.

5. Your leave record will be reviewed periodically. This letter may be canceled at any time should the indication of abuse no longer exist. Unless otherwise terminated, this letter will remain in effect for one year at the end of which your leave record will be reviewed. If, at that time, further correction and/or review is considered necessary, this requirement may be renewed for an additional time period.

6. If you are experiencing personal or medical problems, I hope you will take whatever action necessary to alleviate future leave problems. We encourage you to familiarize yourself with the Family and Medical Leave Act of 1993 (FMLA) as it may be of assistance depending upon the type of situation involved. For more information on FMLA, please contact (ACTIVITY'S ADMINISTRATIVE OFFICER). Additionally, the Civilian Employee Assistance Program (CEAP) Office is available to assist you with any personal issues you might have. You may contact Ms. Cherlyn Monk at (202 433-0086. However, be advised that failure to adhere to the procedures outlined in this letter will result in disciplinary action.

7. You may grieve this letter of requirement under the administrative grievance procedure by presenting your grievance, in writing, to the (ACTIVITY HEAD) within 15 calendar days of the date you receive this letter.

(s) \_\_\_\_\_

I acknowledge receipt of this notice on

\_\_\_\_\_  
Date                      Employee's Signature



**SAMPLE PROPOSED SUSPENSION OF 14 CALENDAR DAYS OR LESS**

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**Note: For proposed actions against employees covered by a negotiated agreement, add the following sentence to paragraph 3.**

**An extra copy of this letter is provided in case you wish to provide your Union representative with a copy, or otherwise obtain its assistance.**

---

**(DATE)**

**From: (TITLE, DEPARTMENT, ACTIVITY, ADDRESS)**

**To: (NAME, POSITION TITLE, GRADE)**

**Subj: PROPOSED SUSPENSION**

**Ref: (a) HROWASHDCINST 12752.2 (current version)**

**(b) (CITE PREVIOUS DISCIPLINARY ACTION WHERE APPROPRIATE)**

**1. I am proposing you be suspended for \_\_\_\_ calendar days, in accordance with reference (a), to promote the efficiency of the service. This action is based on the following reason(s) and specification(s).**

**a. Reason 1: (SPECIFY)**

**Specification: (PROVIDE A FACTUAL SUMMARY OF THE INCIDENT INCLUDING PEOPLE INVOLVED, DATES, TIMES, PLACES, EVIDENCE, ETC. ALSO INCLUDE A STATEMENT ON HOW THE EFFICIENCY OF THE SERVICE WAS ADVERSELY AFFECTED BY THE EMPLOYEE'S CONDUCT.)**

**b. Reason 2: (SPECIFY)**

**Specification: (PROVIDE A FACTUAL SUMMARY OF THE INCIDENT INCLUDING PEOPLE INVOLVED, DATES, TIMES, PLACES, EVIDENCE, ETC. ALSO INCLUDE A STATEMENT ON HOW THE EFFICIENCY OF THE SERVICE WAS ADVERSELY AFFECTED BY THE EMPLOYEE'S CONDUCT.)**

**2. The range of penalties for similar offenses is \_\_\_\_\_ to \_\_\_\_\_. I considered aggravating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH 3b) in making my decision to propose this suspension. I also considered mitigating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH 3b), but find they do not warrant proposing a lesser penalty.**

**3. You have the right to reply orally or in writing, or both and furnish affidavits and other documentary evidence. Your reply should support why you feel this**



action should not take place. You are entitled to be represented by a representative of your choice. Before a representative may act on your behalf on this matter, however, that person must be designated by you in writing to (IDENTIFY NAME AND TITLE OF MANAGEMENT OFFICIAL WHO WILL DECIDE ON THE PROPOSED SUSPENSION), the designated deciding Official (DDO) on this proposed suspension.

4. You and your representative are entitled to review the material relied upon to support proposing this suspension. If you are otherwise in an active duty status, you will be allowed a reasonable amount of official duty time to review such material relied on to support the proposal and to prepare an answer and to secure affidavits.

5. Your reply must be received by the DDO within seven calendar days from the date you receive this letter. (IF THE EMPLOYEE IS COVERED BY A NEGOTIATED AGREEMENT, READ THE AGREEMENT TO SEE HOW MANY DAYS ARE ALLOWED.) If you encounter difficulty in preparing your reply by that date, you may request additional time from the DDO. If you desire to reply in person, contact the office of the DDO to schedule an appointment. Due consideration will be given to any explanation(s), fact(s), affidavit(s), or rebuttal you furnish in timely manner. In preparing and presenting a reply, you are assured freedom from restraint, interference, coercion, discrimination or reprisal.

6. You will receive a written decision after you have replied, or after seven calendar days if no reply is received within the designated response period. (IF THERE IS A NEGOTIATED AGREEMENT OTHER TERMS MAY APPLY; READ THE CONTRACT.)

7. Copies of applicable regulations as well as the official case file are available to you and/or your representative through the Labor-Management Relations Department, Human Resources Office, Washington, 1014 N Street, SE, Suite 1, Building 200-G, Washington Navy Yard, Washington, D.C. 20374-5050. If you require assistance or additional information concerning your rights you may consult with (NAME OF SPECIALIST), Labor-Management Relations Department, on (xxx) xxx-xxxx.

(s) \_\_\_\_\_

I acknowledge receipt of this notice on

\_\_\_\_\_ Date

\_\_\_\_\_ Employee's Signature

Copy to:  
HRO-W, Code 50  
Designated Deciding Official



**SAMPLE DECISION TO EFFECT SUSPENSION  
FOR 14 CALENDAR DAYS OR LESS**

---

**Note: For actions against employees covered by a negotiated agreement, substitute the following for paragraph 5:**

**5. You may grieve thin suspension under the grievance procedure negotiated by (UNION) and (ACTIVITY). An extra copy of this letter is provided in case you wish to provide (UNION) a copy, or otherwise obtain its assistance.**

---

**(DATE)**

**From: (TITLE, DEPARTMENT, ACTIVITY, ADDRESS)**

**To: (NAME, POSITION TITLE, GRADE)**

**Subj: DECISION TO EFFECT YOUR SUSPENSION**

**Ref: (a) HROWASHDCINST 12752.2 (current version)**

**(b) Letter of Proposed Suspension dated \_\_\_\_\_**

**(b) Your (DATE) oral reply to the Letter of Proposed Suspension**

**(c) Your (DATE) written reply to the Letter of Proposed Suspension**

**1. Reference (b) proposed a \_\_\_\_\_ calendar day suspension for (CITE REASONS) and furnished specifications which management felt justified such action. Reference (a) also advised you I would give consideration to any explanation, facts, or rebuttal you elected to present to me upon exercising your right to reply to the proposed action. My decision, after making considerations outlined below, is to effect the \_\_\_\_ calendar day suspension proposed in reference (b).**

**2. I carefully reviewed reference (b) and the related case file and references (c) and (d) (IF APPROPRIATE), before making any decision. I concluded from my review the reason and specifications as outlined in reference (b) are sustained by a preponderance of the evidence. I also concluded your actions adversely affected the efficiency of the service because (STATE HOW THE CONDUCT NEGATIVELY IMPACTED THE EFFICIENCY OF THE SERVICE).**

**3. You responded to reference (b) in reference (c) and (d), (IF APPLICABLE). You indicated (SUMMARIZE EMPLOYEE'S ORAL AND/OR WRITTEN RESPONSE). I find (SUMMARIZE CONCLUSIONS YOU MADE AFTER REVIEWING REFERENCES (c) AND/OR (d)).**

**4. I considered aggravating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH 3b) in making my decision on this matter. I also considered mitigating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH 3b),**



but find, in order to promote the efficiency of the service, they do not warrant effecting a lesser penalty. You will be suspended from (ACTIVITY), therefore, effective (DAY AND DATE) through (DAY AND DATE). Your last day of active duty status prior to the start of your suspension will be (DAY AND DATE). You are expected to return to work on (DAY AND DATE).

5. You may grieve this suspension under the administrative grievance procedure by presenting your grievance, in writing, to the (ACTIVITY HEAD) within 15 calendar days of the effective date of this suspension.

6. Copies of applicable regulations as well as the official case file are available to you and your representative, if appropriate, in the Labor-Management Relations Department, Human Resources Office, Washington, 1014 N Street, SE, Suite 1, Building 200-G, Washington Navy Yard, Washington, D.C. 20374-5050. Should you require assistance or further information regarding your rights, you may consult with (NAME OF SPECIALIST), Labor-Management Relations Department, on (xxx) xxx-xxxx.

(s) \_\_\_\_\_

I acknowledge receipt of this notice on

\_\_\_\_\_  
Date                      Employee's Signature

Copy to:  
HRO-W, Code 50



**SAMPLE PROPOSED SUSPENSION FOR  
MORE THAN 14 CALENDAR DAYS**

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**Note: For proposed actions against employee covered by a negotiated agreement, add the following sentence to paragraph 3:**

**An extra copy of this letter is provided in case you wish to provide (UNION) a copy or otherwise obtain its assistance.**

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**(DATE)**

**From: (TITLE, DEPARTMENT, ACTIVITY, ADDRESS)**

**To: (NAME, POSITION TITLE, GRADE)**

**Subj: PROPOSED SUSPENSION FOR \_\_\_\_\_ CALENDAR DAYS**

**Ref: (a) HROWASHDCINST 12752.2 (current version)**

**(b) (CITE PREVIOUS DISCIPLINARY ACTION WHERE APPROPRIATE)**

**(c) (CITE PREVIOUS DISCIPLINARY ACTION WHERE APPROPRIATE)**

**1. I am proposing you be suspended for \_\_\_\_\_ calendar days in accordance with reference (a) to promote the efficiency of the service. This action is based on the following reason(s) and specification(s):**

**a. Reason 1: (SPECIFY)**

**Specification: (PROVIDE A FACTUAL SUMMARY OF THE INCIDENT INCLUDING PEOPLE INVOLVED, DATES, TIMES, PLACES, EVIDENCE, ETC. ALSO INCLUDE A STATEMENT ON HOW THE EFFICIENCY OF THE SERVICE WAS ADVERSELY AFFECTED BY THE EMPLOYEE'S CONDUCT.)**

**b. Reason 2: (SPECIFY)**

**Specification: (PROVIDE A FACTUAL SUMMARY OF THE INCIDENT INCLUDING PEOPLE INVOLVED, DATES, TIMES, PLACES, EVIDENCE, ETC. ALSO INCLUDE A STATEMENT ON HOW THE EFFICIENCY OF THE SERVICE WAS ADVERSELY AFFECTED BY THE EMPLOYEE'S CONDUCT.)**

**2. The range of penalties for similar offenses is \_\_\_\_\_ to \_\_\_\_\_. I considered aggravating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH 3b) in making my decision to propose this suspension. I also considered mitigating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH 3b), but find they do not warrant proposing a lesser penalty.**

**3. You have the right to reply orally or in writing, or both, and to furnish affidavits and other documentary evidence. Your reply should support why you feel this**



action should not take place. You are entitled to be represented by a representative of your choice. Before a representative may act on your behalf on this matter, however, that person must be designated by you, in writing to **(IDENTIFY THE NAME AND TITLE OF THE MANAGEMENT OFFICIAL WHO WILL DECIDE ON THE PROPOSED SUSPENSION)**, the designated deciding official (DDO) on this proposed suspension.

4. You and your representative are entitled to review the material relied upon to support proposing this suspension. If you are otherwise in an active duty status, you will be allowed a reasonable amount of official duty time to review such material relied upon to support the proposal, to prepare an answer and to secure affidavits.

5. Your reply must be received by the DDO within 15 calendar days from the date you receive this letter. **(IF THE EMPLOYEE IS COVERED BY A NEGOTIATED AGREEMENT THERE MAY BE DIFFERENT TIME FRAMES. READ THE CONTRACT.)** If you encounter difficulty in preparing your reply by that date, you may request additional time from the DDO. If you desire to reply in person, contact the DDO to schedule an appointment. Due consideration will be given to any explanation(s), fact(s), affidavit(s), or rebuttal you furnish in a timely manner. In preparing and presenting a reply, you are assured freedom from restraint, interference, coercion, discrimination, or reprisal.

6. You are hereby given 30 full calendar days advance notice of this proposed action beginning the day after you receive this letter. During the 30 days advance notice period, you will be carried in an active duty status at your present position, grade, and salary. As soon as possible after your reply, or after 15 calendar days after your receipt of this letter if you do not answer, a written decision will be issued.

7. Copies of applicable regulations as well as the official case file are available to you and/or your representative through the Labor-Management Relations Department, Human Resources Office, Washington, 1014 N Street, SE, Suite 1, Building 200-G, Washington Navy Yard, Washington, D.C. 20374-5050. If you require assistance or additional information concerning your rights, you may consult with **(NAME OF SPECIALIST)**, Labor-Management Relations Department, HRO-W on (xxx) xxx-xxxx.

(s) \_\_\_\_\_

I acknowledge receipt of this notice on

\_\_\_\_\_

Date Employee's Signature

Copy to:  
HRO-W, Code 50  
Designated Deciding Official



**SAMPLE DECISION TO EFFECT SUSPENSION  
FOR MORE THAN 14 CALENDAR DAYS**

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**Note: For actions against employees covered by a negotiated agreement, substitute for paragraph 5 (unless precluded by the agreement):**

**5. You may appeal this suspension through the grievance procedure negotiated by (UNION) and (ACTIVITY) or to the Merit Systems Protection Board (MSPB), but not both. An appeal to MSPB may be made by submitting enclosure (1) or information required by enclosure (2) to the Merit Systems Protection Board, Washington, D.C. Regional Office, 1800 Diagonal Road, Suite 205, Alexandria, Virginia 22314-2840. Petitions of appeal to MSPB must be filed not later than 20 calendar days after the effective date of this suspension to be considered timely filed. An extra copy of this letter is provided in case you wish to provide (UNION) a copy or otherwise obtain its assistance.**

**Note (continue): Contact your HRO-W labor relations account executive for proper wording of paragraph 5 if the employee raises the issue of discrimination, either orally or in writing, at any point prior to issuing the decision letter effecting a suspension of more than 14 calendar days.**

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**(DATE)**

**From: (TITLE, DEPARTMENT, ACTIVITY, ADDRESS)**

**To: (NAME, POSITION TITLE, GRADE)**

**Subj: DECISION TO EFFECT YOUR SUSPENSION**

**Ref: (a) Letter of Proposed Suspension dtd**

**(b) Your (DATE) written reply to the Letter of Proposed Suspension (IF APPLICABLE)**

**(c) Your (DATE) oral reply to the Letter of Proposed Suspension (IF APPLICABLE)**

**Encl: (1) Merit Systems Protection Board (MSPB) Appeal Form**

**(2) Merit Systems Protection Board (MSPB) Regulations**

**1. Reference (a) proposed a calendar day suspension for (CITE REASONS) and furnished specifications which management felt justified such action. Reference (a) also advised you that I would give consideration to any explanation, facts, or rebuttal you elected to present to me upon exercising your right to reply to the proposed action. My decision, after making considerations outlined below, is to effect the \_\_\_\_ calendar day suspension proposed in reference (a).**

**2. I carefully reviewed reference (a) and the related case file and references (b) and (c), (IF APPLICABLE), before making my decision. I concluded from my**



review the reasons and specifications, as stated in reference (a), are sustained by a preponderance of the evidence. I also concluded your actions adversely affected the efficiency of the service because (STATE HOW THE CONDUCT ADVERSELY AFFECTED THE EFFICIENCY OF THE SERVICE).

3. You responded to reference (a) in reference (b) and (c), (IF APPLICABLE). You indicated (SUMMARIZE THE EMPLOYEE'S ORAL AND WRITTEN RESPONSES). I find (SUMMARIZE CONCLUSIONS YOU MADE AFTER REVIEWING REFERENCES (b) AND (c)).

4. I considered aggravating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH 3b) in making my decision on this matter. I also considered mitigating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH 3b), but find that, in order to promote the efficiency of the service, the latter do not warrant effecting a lesser penalty. You will be suspended from (ACTIVITY), therefore, effective (DAY AND DATE) through (DAY AND DATE). Your last day of active duty status prior to the start of your suspension will be (DAY AND DATE). You are expected to return to work on (DAY AND DATE).

5. You may appeal this suspension by submitting enclosure (1) or information required by enclosure (2) to the Merit Systems Protection Board (MSPB), Washington, D.C. Regional Office, 1800 Diagonal Road, Suite 205, Alexandria, Virginia 22314-2840. Petitions for appeal to MSPB must be filed, not later than 20 calendar days after the effective date of this suspension to be considered timely filed.

6. Copies of applicable regulations as well as the official case file are available to your and/or your representative through the Labor-Management Relations Department, Human Resources Office, Washington, 1014 N Street, SE, Suite 1, Building 200-G, Washington Navy Yard, Washington, D.C. 20374-5050. If you require assistance or additional information concerning your rights, you may consult with (NAME OF SPECIALIST), Labor- Management Relations Department, HRO-W, on (xxx) xxx-xxxx.

(s) \_\_\_\_\_

I acknowledge receipt of this notice on

\_\_\_\_\_  
Date Employee's Signature

Copy to:  
HRO-W, Code 50



## SAMPLE PROPOSED REMOVAL

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**Note: For proposed actions against employees covered by a negotiated agreement, add the following sentence to paragraph 3:**

**An extra copy of this letter is provided in case you wish to provide (UNION) a copy or otherwise obtain its assistance.**

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(DATE)

**From: (TITLE, DEPARTMENT, ACTIVITY, ADDRESS)**

**To: (NAME, POSITION TITLE, GRADE)**

**Subj: PROPOSED REMOVAL**

**Ref: (a) HROWASHDCINST 12752.2 (current version)**

**(b) (CITE PREVIOUS DISCIPLINARY ACTION WHERE APPROPRIATE)**

**(c) (CITE PREVIOUS DISCIPLINARY ACTION WHERE APPROPRIATE)**

**1. I am proposing you be removed from the Federal service in accordance with reference (a) to promote the efficiency of the service. This action is based on the following reason(s) and specification(s):**

**a. Reason 1: (SPECIFY)**

**Specification: (PROVIDE A FACTUAL SUMMARY OF THE INCIDENT INCLUDING PEOPLE INVOLVED, DATES, PLACES, EVIDENCE, ETC. ALSO INCLUDE A STATEMENT ON HOW THE EFFICIENCY OF THE SERVICE WAS ADVERSELY AFFECTED BY THE EMPLOYEE'S CONDUCT.)**

**b. Reason 2: (SPECIFY)**

**Specification: (PROVIDE A FACTUAL SUMMARY OF THE INCIDENT INCLUDING PEOPLE INVOLVED, DATES, PLACES, EVIDENCE, ETC. ALSO INCLUDE A STATEMENT ON HOW THE EFFICIENCY OF THE SERVICE WAS ADVERSELY AFFECTED BY THE EMPLOYEE'S CONDUCT.)**

**2. The range of penalties for similar offenses is \_\_\_\_\_ to \_\_\_\_\_. I considered aggravating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH 3b) in making my decision to propose your removal from the Federal service. I also considered mitigating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH 3b), but find they do not warrant proposing a lesser penalty.**



3. You have the right to reply orally or in writing, or both and furnish affidavits and other documentary evidence. Your reply should support why you feel this action should not take place. You are entitled to be represented by a representative of your choice. Before a representative may act on your behalf on this matter, however, that person must be designated by you in writing to (IDENTIFY NAME AND TITLE OF THE MANAGEMENT OFFICIAL WHO WILL DECIDE ON THE PROPOSED REMOVAL), the designated deciding official (DDO) on this proposed removal.

4. You and your representative are entitled to review the material relied upon to support proposing your removal. If you are otherwise in an active duty status, you will be allowed a reasonable amount of official duty time to review such material relied upon to support the proposal and to prepare an answer to secure affidavits.

5. Your reply must be received by the DDO within 15 calendar days from the date you receive this letter. If you encounter difficulty in preparing your reply by that date, you may request additional time from the DDO. If you desire to reply in person, contact the DDO to schedule an appointment. Due consideration will be given to any explanation(s), fact(s), affidavit(s), or rebuttal you furnish in a timely manner. In preparing and presenting a reply, you are assured freedom from restraint, interference, coercion, discrimination, or reprisal.

6. You are hereby given 30 full calendar days advance notice of this proposed action beginning the day after you received this letter. During the 30 days advance notice period, you will be carried in an active duty status at your present position, grade, and salary. As soon as possible after your reply or after 15 calendar days after your receipt of this letter if you do not answer, a written decision will be issued.

7. Copies of applicable regulations as well as the official case file are available to you and/or your representative through the Labor-Management Relations Department, Human Resources Office, Washington, 1014 N Street, SE, Suite 1, Building 200-G, Washington Navy Yard, Washington, D.C. 20374-5050. If you require assistance or additional information concerning your rights, you may consult with (NAME OF SPECIALIST), Labor-Management Relations Department, HRO-W on (xxx) xxx-xxxx.

(s) \_\_\_\_\_

I acknowledge receipt of this notice on

\_\_\_\_\_ Date Employee's Signature

Copy to:  
HRO-W, Code 50  
Designated Deciding Official



## SAMPLE DECISION TO EFFECT REMOVAL

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**Note:** For actions against employees covered by a negotiated agreements substitute the following for paragraph 6 (unless otherwise precluded by the agreement):

**6.** You may grieve this removal through the grievance procedure negotiated by (UNION) and (ACTIVITY) or appeal to the Merit Systems Protection Board (MSPB), but not both. An appeal to MSPB may be made by submitting enclosure (1) or information required by enclosure (2) to the Merit Systems Protection Board, Washington, D.C. Regional Office, 1800 Diagonal Road, Suite 205, Alexandria, Virginia 22314-2840. Petitions of appeal to MSPB must be filed not later than 20 calendar days after the effective date of this removal to be considered timely filed. An extra copy of this letter is provided in case you wish to provide (UNION) a copy or otherwise obtain its assistance.

**Note (continue):** Contact your HRO-W labor relations account executive for proper wording of paragraph 5 should the employee raise the issue of discrimination, either orally or in writing, at any point prior to issuing the decision letter effecting the removal.

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(DATE)

**From:** (TITLE, DEPARTMENT, ACTIVITY, ADDRESS)

**To:** (NAME, POSITION TITLE, GRADE)

**Subj:** DECISION TO EFFECT YOUR REMOVAL

**Ref:** (a) Letter of Proposed Removal dtd \_\_\_\_\_  
(b) Your (DATE) oral reply to the Letter of Proposed Removal  
(c) Your (DATE) written reply to the Letter of Proposed Removal

**Encl:** (1) Merit Systems Protection Board (MSPB) Appeal Form  
(2) Merit Systems Protection Board (MSPB) Regulations

1. Reference (a) proposed your removal from the Federal service for (CITE REASONS) and furnished specifications which management felt justified such actions. Reference (a) also advised you that I would give consideration to any explanation(s), fact(s), or rebuttal(s) you elected to present to me in exercising your right to reply to the proposed action. My decision, after making considerations outlined below, is to effect your removal from the Federal service.

2. I carefully reviewed reference (a) and the related case file and references (b) and (a) before making my decision. I concluded from my review the reasons and specifications, as stated in reference (a), are sustained by a preponderance of the



evidence. I also concluded your actions adversely affected the efficiency of the service because (STATE HOW THE CONDUCT ADVERSELY AFFECTED THE EFFICIENCY OF THE SERVICE).

3. You responded to reference (a) in references (b) and (c). You indicated (SUMMARIZE THE EMPLOYEE'S ORAL AND WRITTEN RESPONSES). I find (SUMMARIZE CONCLUSIONS YOU MADE AFTER REVIEWING REFERENCE (b) AND (c)).

4. I considered aggravating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH 3b), in making my decision on this matter. I also considered mitigating factors such as (SEE REFERENCE (a), CHAPTER II, PARAGRAPH b), but find, in order to promote the efficiency of the service, they do not warrant effecting a lesser penalty.

5. You will be removed from the Federal Service effective (DAY AND DATE). Before leaving, you must checkout through the personnel and security offices.

6. You may appeal this removal by submitting enclosure (1) or information required by enclosure (2) to the Merit Systems Protection Board (MSPB), Washington, D.C. Regional Office, 1800 Diagonal Road, Suite 205, Alexandria, Virginia 22314-2840. Petitions for appeal to MSPB must be filed not later than 20 calendar days after the effective date of this removal to be considered timely filed.

7. Copies of applicable regulations as well as the official case file are available to you and/or your representative through the Labor-Management Relations Department, Human Resources Office, Washington, Washington Navy Yard, 1014 N Street, SE, Suite 1, Building 200-G, Washington Navy Yard, Washington, D.C. 20374-5050. If you require assistance or additional information concerning your rights, you may consult with (NAME OF SPECIALIST), Labor-Management Relations Department, HRO-W, on (xxx) xxx-xxxx.

(s) \_\_\_\_\_

I acknowledge receipt of this notice on

\_\_\_\_\_  
Date Employee's Signature

Copy to:  
HRO-W, Code 50  
Designated Deciding Official

