

CHAPTER 752 CORRECTIVE, DISCIPLINARY AND ADVERSE ACTIONS

APPENDIX C GUIDELINE SCHEDULE OF DISCIPLINARY OFFENSES AND RECOMMENDED REMEDIES FOR CIVILIAN EMPLOYEES IN THE NAVAL ESTABLISHMENT

INSTRUCTION FOR USE OF THE SCHEDULE

1. This list is not intended to cover every possible type of offense. Remedies for offenses not listed will be determined consistent with the guidelines.
2. Many of the items on this schedule combine several offenses in one statement connected by the word "OR." Usage of the word "OR" in a charge makes it nonspecific. Use only the items which describe the employee's actual conduct and leave out parts which do not apply.
3. Remedies for disciplinary offenses will, in general, range from the minimum to the maximum indicated. In unusual circumstances, depending on mitigating to aggravating factors, a remedy outside the general range may be imposed.
4. Suspension remedies on this schedule refer to calendar days.
5. Although the schedule shows 10 days as a normal maximum suspension, a suspension of greater length may be imposed where the option of removal is also provided for that offense.
6. In considering past offenses in determining a remedy the following limitations must be observed:
 - a. Oral admonishments and letters of caution may *not* be counted as prior offenses in determining a remedy. They may be considered in determining the appropriate penalty within a range of remedies for any subsequent offense.
 - b. A letter of reprimand may be counted as a prior offense provided the letter of reprimand is dated no more than two years before the date of the proposed notice of action in which it is cited. After this two year period, it may be used to determine the appropriate penalty within a range for any subsequent offense.
 - c. A suspension or reduction in grade or pay (if effected for disciplinary reasons) may be counted indefinitely as a prior offense.
 - d. In utilizing past offenses to determine a corrective action, the disciplinary action notice should cite specifically the past offense in sufficient detail to allow the employee to respond.
 - e. Any past offense may form the basis for proposing a remedy from the next higher range of remedies for a subsequent offense. The offenses do not need to be identical or similar.

SCHEDULE OF OFFENSES AND RECOMMENDED REMEDIES

OFFENSE	RANGE OF REMEDIES		
	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
ALCOHOL ABUSE			
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 ¹	14-day suspension to removal	30-day suspension to removal	Removal
ATTENDANCE			
Excessive unauthorized absence (more than 5 consecutive workdays)	Reprimand to removal	10-day suspension to removal	Removal
Leaving the 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
DISCRIMINATION			
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

¹ Discuss with Labor Relations Specialist for impact of "safe harbor" and "reasonable accommodation."

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
DRUG ABUSE			
Unlawful use, being under the influence, or possession of drugs or drug paraphernalia on or off duty ²	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 ³	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		
DRUG TESTING			
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 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
MISCELLANEOUS OFFENSES			
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		

² Mandatory referral to CEAP is required. Also, note 1 applies.

³ Mandatory referral to CEAP is required. Also, note 1 applies.

OFFENSE		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
MISCELLANEOUS OFFENSES (Continued)				
Excessive discourteous conduct to the public within any one-year period or any other pattern of discourteous conduct		Reprimand to 14-day suspension	7-day suspension 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 a Government vehicle ⁴		Reprimand to removal	30-day suspension to removal	Removal
Reckless driving or improper operation of a 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
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

⁴ 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.

OFFENSE		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
MISCELLANEOUS OFFENSES (Continued)				
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
Unauthorized possession, use, loss, theft or damage to Government property or the property of others ⁵		Reprimand to removal	14-day suspension to removal	30-day suspension to removal
PROHIBITED PERSONNEL PRACTICE				
Committing a prohibited personnel practice (See 5 U.S.C. 2302)		Reprimand to removal	14-day suspension to removal	30-day suspension to removal
SAFETY				
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
SECURITY				
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 DISCLOSURE OR USE OF PROTECTED MATERIAL				
Unauthorized disclosure or use of information or other protected material (e.g., records covered by the Privacy Act or under CFR Part 2 (CEAP records))		Reprimand to removal	14-day suspension to removal	30-day suspension to removal

⁵ 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.