

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

HRM 9751.1A
July 14, 2022

GSA ORDER

SUBJECT: Maintaining Discipline

1. Purpose. This policy provides guidance on handling disciplinary actions and includes the Agency's Table of Penalties.
2. Scope and applicability.
 - a. This policy applies to all General Services Administration (GSA) employees.
 - b. This policy does not apply to employees of the Office of Inspector General (OIG) which has independent personnel authority.
3. Cancellation. This Order cancels and supersedes HRM 9751.1, Maintaining Discipline, dated July 9, 2018.
4. Responsibilities.
 - a. Executives in the Office of the Administrator, Heads of Services and Staff Offices (HSSOs) and Regional Administrators (RAs) are responsible for the maintenance of discipline and adherence to the standards of conduct by officials and employees under their jurisdiction.
 - b. Immediate supervisors, in all instances, have the primary responsibility for acquainting employees with the standards of conduct, maintaining discipline and morale, and initiating appropriate corrective action when it becomes necessary. This is a daily responsibility of supervisors and not merely action taken at times when the employee may deviate from acceptable forms of conduct. Supervisors must thoroughly understand the purposes of disciplinary action and the methods for taking proper corrective action.
5. Revisions. The following revisions have been made to this Order:

a. Removes language required by Executive Order 13839, *Promoting Accountability and Streamlining Removal Procedures Consistent with Merit Principles (May 25, 2018)*, which was revoked by Executive Order 14003, *Protecting the Federal Workforce (January 21, 2021)*.

b. In paragraph 2, the officials authorized to take disciplinary action have been updated to be consistent with changes to the GSA Delegations of Authority Manual.

c. In paragraph 6(a), the following statement has been removed: “for a less serious offense taking into consideration the employee’s disciplinary record and past work record, including all past misconduct (not only similar past misconduct).”

d. In paragraph 6(b), the following statement has been removed: “Since a suspension is usually a matter of common knowledge, it can be expected that in some instances an employee’s ability to do an effective job may be impaired, depending on the demands of the position he holds.” The following statement is also removed: “Therefore, this penalty should normally be imposed after careful review of the considerations outlined in paragraph 6(a).”

e. In paragraph 6(c), the following statement has been removed: “There are instances in which suspension is an appropriate penalty action. If the offense is of such a serious nature that removal is considered, but because of extenuating circumstances it is decided to retain the employee in the service, suspension may be the only penalty appropriate to reflect the degree of agency disapproval. Or, in instances in which it is believed that drastic action is necessary to secure adherence to required standards, a suspension may be effective where counseling, warnings, and reprimands have failed.”

f. In paragraph 6(c), the following statement has been added: “A suspension should normally be imposed after counseling, written warning notices or official reprimands have proven ineffective, or when the offense is so serious that more stringent corrective action is necessary. A suspension may also be appropriate when removal is considered but not issued because of extenuating circumstances.”

g. In paragraph 7(b), the following statements have been removed: “Supervisors should be mindful of two obligations. Their obligation to the Government demands that standards be upheld and that employees who deliberately violate the standards be removed.”

h. In paragraph 7(b), the following statements have been added: “Supervisors should be mindful of their obligation to the Government, which demands that standards be upheld. Supervisors are obligated to remove employees who deliberately violate the standards.”

i. In paragraph 7(d), the reference to settlement agreements that allow for disciplinary actions to be removed or omitted from an employee's Official Personnel Folder has been added.

j. In paragraph 7(f), the following statement has been removed: "To the extent practicable, decisions on proposed removals should be issued within 15 business days of the end of the employee reply period."

k. In paragraph 8, the following statement has been added: "Corrective and/or disciplinary action should be issued at the lowest level that will correct the misconduct and promote the efficiency of Federal Service."

l. In paragraph 9, the following statements have been removed: "Supervisors should not store up criticisms but should discuss any perceived problems with employees as soon as such problems arise. When the circumstances call for disciplinary action, it should be taken promptly and deliberately. Delay in taking disciplinary action tends to diminish its effectiveness." and "The setting of maximum time limits for most actions is not practicable because of the many variables that can affect timing even with high priority attention."

m. In paragraph 9, the following statement has been added: "Disciplinary and adverse actions should be taken in a timely manner. The timing of the action may vary based on the circumstances of each case."

n. In paragraph 9(e), the following statement has been removed: "To the extent practicable, the written notice of adverse actions should be limited to the 30 days prescribed in section 7513(b)(1) of title 5, United States Code."

o. In paragraph 13(b)(3), the following statement has been removed: "The supervisor and deciding official have discretion to take into account an employee's disciplinary record, including all past misconduct (not only similar past misconduct)."

p. In paragraph 13(d), the following statement has been added: "In determining that a second or third offense has occurred, consideration will be given to the recency of prior disciplinary action. Earlier offenses may demonstrate that the employee was fully aware of the nature of the misconduct and could support selection of a relatively high penalty within the range provided by the guide."

q. In paragraph 13(d), the following statement has been removed: "In taking disciplinary action, supervisors and deciding officials have discretion to take into account an employee's disciplinary record and past work record, including all past misconduct (not only similar past misconduct)."

r. In paragraph 13(g), the following statement has been removed: “Suspension should not be a substitute for removal in circumstances in which removal would be appropriate.”

s. In paragraph 13(h), the following statement has been removed: “Supervisors and deciding officials are not required to use progressive discipline in all cases. The penalty for an instance of misconduct should be tailored to the facts and circumstances.”

t. In paragraph 14, the following statement has been removed: “The removal procedures set forth in chapter 75 of title 5, United States Code (Chapter 75 procedures), should be used in appropriate cases to address instances of unacceptable performance.”

u. In Appendix A, the Penalty Guides have been updated to include additional types of delinquency or misconduct, amend existing types of delinquency or misconduct, and modify the range of penalties for various offenses.

v. Removes Appendix B.

6. Implementation action. Implementation of this policy must be carried out in accordance with applicable laws and regulations, and as it affects employees represented by a labor bargaining unit, is contingent upon completion of labor relations obligations.

7. Signature.

TRACI DIMARTINI
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MAINTAINING DISCIPLINE

1. Introduction.

a. This policy provides guidance on handling disciplinary actions and includes the Agency's Table of Penalties.

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

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

(2) Employees are expected to adhere to high standards of conduct. When they violate the rules, regulations, or standards of conduct, they will be dealt with in a timely manner and adequately, on a fair and equitable basis.

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

c. The positive meaning of discipline.

(1) Good group discipline is more than compliance with regulations and standards of conduct; it implies an understanding of why the rules are necessary and confidence that they will be enforced fairly. Good group discipline means cooperation among the members of the group, and between the leader and the group. It acts as a positive force on the members of the group leading to a high degree of self-discipline or control which is self-motivated rather than imposed by higher authority. The extent to which it exists in a group is an indicator of the quality of supervision.

(2) Since it is an intangible quality, good group discipline is not easily measured by any yardstick. It can best be described by reference to those employee attitudes that characteristically accompany and foster its development. When the following factors are present, group discipline of a high order will prevail:

(a) An understanding of and interest in the organization's activities, including a clear understanding of how individual performance requirements fit into the overall work program.

(b) A sense of pride in the accomplishments of the group.

(c) Teamwork, or the willingness to contribute in ways that reflect credit on the group as a whole.

(d) Freedom to express opinions and suggestions, with the assurance that they will receive consideration.

(e) A reasonable sense of security in employment.

(f) Knowledge that each individual's contribution is regarded as significant and is fairly appraised on its merits.

(g) Confidence in the consideration, understanding, and integrity of supervisors.

(3) The one essential ingredient for good group discipline is effective leadership starting from the top and working down. Positive supervisory practices exhibited on a continuing day to day basis are needed for employees to recognize and reinforce correct habits of conduct. The constructive influence of leading by good example is as effective as any other learning experience.

d. The purposes of disciplinary actions.

(1) Individual disciplinary actions sometimes become necessary even in the best-managed groups. The way the supervisor deals with each case will have an effect, positively or negatively, on general group discipline. The procedures and general instructions in this part will furnish guidance to supervisors in carrying out their responsibilities for taking disciplinary action. They do not substitute for constant vigilance to prevent the occurrence of infractions, for careful judgment in the application of penalties, or for follow-up action to evaluate the effectiveness of the measures taken.

(2) The purpose of disciplinary action is to prevent the recurrence of misconduct, to improve the employee's attitude and behavior, and to maintain discipline and morale among other employees. Every disciplinary action should be weighed with these objectives in mind. Where there is confidence that these purposes can be accomplished through counseling or verbal admonishment, formal disciplinary action should not be taken.

2. Authority to take disciplinary action.

a. GSA's Delegations of Authority Manual delegates the authority to take disciplinary action to executives in the Office of the Administrator, HSSOs, and the RAs.

b. In the absence of other designation or limitation, the first line supervisor, another supervisor in the chain of command or a designated supervisor outside of the chain of command may issue Warning Notices and Reprimands. Designations of officials outside the chain of command should be made in consultation with the Office of Human Resources Management (OHRM) and the Office of General Counsel

(OGC).

c. In the absence of other designation or limitation, the Proposing Official for disciplinary actions and adverse actions (*i.e.*, suspensions of more than 14 days, furloughs without pay of 30 days or less, reductions in grade or pay, or removals) may be the first line supervisor, another supervisor in the chain of command or a designated supervisor outside of the chain of command. The Deciding Official for these actions may be a higher level supervisor in the chain of command or designated supervisor outside of the chain of command. Designations of Proposing or Deciding Officials outside the chain of command should be made in consultation with OHRM and OGC.

d. All disciplinary actions require prior concurrence of the appropriate servicing Human Resources Office to ensure compliance with applicable regulations.

e. The servicing Human Resources Office is responsible for obtaining appropriate legal review, with the support and advice of the Office of General Counsel (OGC).

3. Non-disciplinary letters of instruction or counseling.

a. A letter of instruction or counseling is an informal notification from a supervisor calling an employee's attention to the need to improve in areas such as conduct, performance or attendance. For example, a supervisor might address a letter to an employee regarding the amount of sick leave or emergency annual leave used (which, though approved, appears excessive) or the need to pay closer attention to verbal instructions. Whether issued orally or in writing, such reminders are a regular part of daily supervision and are not considered penalty actions.

b. Copies of letters of instruction or counseling are maintained by the supervisor and are not filed in the employee's official personnel folder. Such letters may not be cited as previous disciplinary offenses for determining whether a second or third offense has occurred in determining a penalty. They may, however, have significance as supporting documents if formal discipline becomes necessary later--showing, for example, that an employee was fully aware of the nature of the misconduct.

4. Warning notices.

a. A warning notice is a letter calling an employee's attention to an infraction (ordinarily a first offense not too serious in nature) and warning the employee of the consequences of a repetition of misconduct. In addition, each warning notice will inform the employee that:

(1) A copy of the warning notice will be placed in the employee's official personnel folder;

(2) The employee may submit a written statement or explanation to be included in the personnel folder within 30 calendar days of receipt;

(3) The warning notice will be withdrawn from the personnel folder after 1 year;

and

(4) The employee may use the GSA grievance procedure to contest the propriety of the action, or if issuance of the warning notice is subject to provisions of a labor-management contract, he or she may use the negotiated grievance procedure. It is the responsibility of the issuing office to ascertain which procedure is appropriate.

b. A warning notice will be withdrawn from the official personnel folder after a maximum of 1 year. At the discretion of the issuing officer, it may be withdrawn earlier. In determining whether a notice should be withdrawn in less than a year, the supervisor will consider the employee's conduct, performance, and general attitude toward the job subsequent to the issuance of the warning. The employee will be notified in writing when a warning notice is withdrawn in less than 1 year after the date of issuance. The knowledge that the notice may be withdrawn should provide the employee with a strong incentive to observe the rules of conduct. When a warning notice is withdrawn, the offense may not be cited as a previous offense to support a determination that a second or third offense has occurred in the event of future misconduct. It may, however, be used to demonstrate that the employee understood that the conduct involved was prohibited or has failed to respond to repeated counseling.

c.

5. Official reprimands.

a. A reprimand is a formal notice of official censure for a violation of a rule of conduct, law, regulation, official instruction, or specified responsibility. It also may be given for repetition of an infraction for which the employee has previously been warned, or it may be given at the point where an accumulation of two or more different offenses call for more serious action than a warning. A copy of each reprimand is filed in the official personnel folder as a temporary record, and is withdrawn after a maximum of 3 years. At the discretion of the issuing officer, it may be withdrawn earlier, in which event, the employee should be notified in writing. When a reprimand is withdrawn, the offense may not be cited as a previous offense to support a determination that a second or third offense has occurred in the event of future misconduct. It may, however, be used to demonstrate that the employee understood that the conduct involved was prohibited or has failed to respond to repeated counseling.

b. The notice of reprimand will explain the reasons for issuance specifically and in detail, and will warn the employee that future violations may result in more severe disciplinary action. In addition, each notice of reprimand will inform the employee that:

(1) A copy of the official reprimand will be placed in the employee's official personnel folder;

(2) The reprimand will be withdrawn from the personnel folder after 3 years;

(3) The employee may submit a written statement or explanation to be included in the personnel folder within 30 calendar days of receipt; and

(4) The employee may use the GSA grievance procedure (or negotiated grievance procedure) to contest the propriety of the penalty.

6. Suspensions.

a. A suspension is the placement of an employee in a temporary non-duty, non-pay status for disciplinary reasons. It may be recommended as a penalty action for a serious first offense or when more than one offense has occurred, but each of which, standing alone, might not warrant a suspension.

b. The effectiveness of suspension as a penalty action should be carefully considered in each case. The loss of the employee's services during the suspension can be a penalty on the agency and on other employees who must assume the duties of the offender during their absence. Loss of pay for several days may mean serious hardship for the employee's family or may result in indebtedness that could have an adverse rather than a beneficial effect on the future conduct record of the individual.

c. A suspension should normally be imposed after counseling, written warning notices or official reprimands have proven ineffective, or when the offense is so serious that more stringent corrective action is necessary. A suspension may also be appropriate when removal is considered but not issued because of extenuating circumstances.

d.

7. Removals and Demotions.

a. Removal is a drastic penalty that may be imposed for repeated violations or offenses, or for one or more offenses involving serious misconduct or delinquency. Since removal on charges of misconduct can be expected to make it difficult or even impossible for the employee to continue their Government career in another agency, the step should be taken only after weighing the evidence and determining that such action is necessary to promote the efficiency of the service.

b. Supervisors should be mindful of their obligation to the Government, which demands that standards be upheld. Supervisors are obligated to remove employees who deliberately violate the standards. By law, actions must not be arbitrary or unreasonable, and must in every case be adequately supported by a preponderance of evidence.

c. On occasion, demotion to a lower grade position may be taken as a penalty action in lieu of removal or as an appropriate response to a given situation in its own

right. For example, demotion from a supervisory to a non-supervisory position could be a reasonable penalty where the misconduct is related to supervisory duties, but the record evidences that the individual would be a productive non-supervisory employee. Whenever demotion is considered as a penalty action, the determination should be based on what is believed to be a reasonable expectation of attitude and conduct in the lower grade position. The nature of the misconduct and the individual concerned will affect the decision.

d. Frequently, employees prefer to resign rather than to face removal charges. This outcome is desirable from the standpoint of economy, and a resignation should be accepted under such circumstances. A resignation should never be obtained under duress or demanded as an alternative to some other action to be taken, but it is perfectly acceptable to present the employee with the hard choice of resignation or potential removal. If an employee resigns after receiving a removal proposal, Chapter 31 of the Office of Personnel Management (OPM) Guide to Processing Personnel Actions requires that the Standard Form 50, Notification of Personnel Action, show under "Remarks" that the employee resigned while action was pending to separate them, giving the reasons. The employee should be informed that the information regarding their misconduct has become a matter of permanent record. Note: Resignations effected under a formal settlement of an appeal or disciplinary action will be done in compliance with current laws, rules, and regulations related to such settlements.

8. General cautions.

a. Corrective and/or disciplinary action should be issued at the lowest level that will correct the misconduct and promote the efficiency of Federal Service.

b. Disciplinary actions are complex matters that should be undertaken only with the advice and assistance of the servicing Human Resources Office. Supervisors should seek Human Resources' advice at the first sign of conduct problems (or poor performance) before the problems worsen. If appropriate corrective steps are taken early, conduct and performance may be improved and formal action will be unnecessary.

c. Note that regional issuances may supplement the procedures of this section. In addition, labor agreements may specify detailed procedures governing disciplinary actions for bargaining unit employees that call for early human resources office advice.

9. Timing of the action.

a. Disciplinary and adverse actions should be taken in a timely manner. The timing of the action may vary based on the circumstances of each case.

b. When a report of investigation is received from the Office of Inspector General, it should receive especially high priority attention. (See also paragraph 11, below.)

c. See paragraph 12 below concerning violations involving information security.

10. Inquiry to determine the facts.

a. In the instance of suspected irregularities involving fraud against the Government, wrongdoing that might be punishable as a criminal offense, or any type of misconduct as outlined in Appendix A, Table 2 of the Penalty Guide supervisors should not initiate their own inquiries but must report the matter immediately to the OIG or to the local Field Investigations office with a request for OIG investigation or authorization to proceed with administrative action. Should the OIG determine that the irregularity does not warrant conducting an official investigation, the appropriate GSA official should conduct an inquiry as outlined in this section to determine the nature and extent of administrative action to be taken.

b. Appendix A, Table 1 lists offenses that will normally be the subject of inquiry and report by an appropriate supervisor. However, if the offense is of a serious nature that may lead to removal and if facts cannot be adequately ascertained by the supervisor, a request may be made for initial or supplemental investigation by the OIG.

c. The following steps are recommended to guide the supervisor in conducting an inquiry to secure the facts needed to determine what disciplinary action, if any, is warranted:

- (1) Interview the employee who has allegedly committed an offense.
- (2) Interview witnesses and any others who can provide pertinent information.
- (3) Try to reconcile any conflicting statements or other evidence. Re-interview the parties concerned if appropriate.

d. The instructions in paragraphs b and c above do not apply when sufficient evidence to provide a proper basis for disciplinary action is available from other sources, such as an investigation report from the OIG, a police or court record, or an OPM finding that an employee has falsified an application for employment.

11. Acting on reports from the OIG and on positive drug test results from the Medical Review Officer (MRO). Investigation reports from the OIG and positive drug test results from the MRO are sent to HSSOs and RAs. It is recommended that such reports be referred for action at the Division Director level or above. Since these reports frequently involve sensitive issues subject to close scrutiny both within and outside of the agency, managers to whom they are referred should always consult with the human resources and legal officials before proceeding to prepare disciplinary proposals or take other action.

12. Security violations. Any person who suspects or has knowledge of a violation, including the known or suspected loss or compromise of Classified National Security Information, shall promptly report the violation to the individual's local GSA Site Security Manager and the GSA Chief Security Officer (OMA).

13. Penalty guide.

a. Appendix A, Tables 1 and 2, list offenses together with a guideline for the range of penalties that supervisors and deciding officials may consider for first, second, and third offenses. Ultimately, the penalty for an offense should be tailored to the facts and circumstances, and the Tables are only a guide. Penalties for offenses not listed should be determined by reference to the penalties listed for offenses of a similar type or of comparable seriousness. Offenses listed in Table 1 are normally investigated by line supervisors, while offenses listed in Table 2 must be referred to the OIG.

b. In determining which penalty is most appropriate, within the range provided by the guide, consider and balance factors relevant to the case. Listed below are factors generally recognized as relevant to penalty selection. Not all of these factors will be pertinent in every case. Some of the factors may weigh in the employee's favor, while others may not or may even constitute aggravating circumstances. Selection of an appropriate penalty involves a responsible balancing of the relevant factors listed in *Douglas v. Veterans Administration, 5 MSPB 313, 5 MSPR 280, 306 (1981)* in each case.

(1) The nature and seriousness of the offense, and its relation to the employee's position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.

(2) The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.

(3) The employee's past disciplinary record.

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

(5) 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.

(6) The consistency of the penalty with those imposed upon other employees for the same or similar offenses.

(7) The consistency of the penalty with the Penalty Guide.

(8) The notoriety of the offense or its impact upon the reputation of the agency.

(9) The clarity with which the employee was put on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.

(10) The potential for the employee's rehabilitation.

(11) Any 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.

(12) The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

c. The Tables are only a guide. The facts and circumstances of an employee's offense may dictate a greater or lesser penalty than that provided by the Tables, except where the guide indicates that the penalty is specified by law. For example, the rules and case law governing "reasonable accommodation" might counsel reducing the penalty or foregoing discipline altogether while an employee pursues treatment for a handicapping condition that directly influenced the misconduct at issue.

d. In determining that a second or third offense has occurred, consideration will be given to the recency of prior disciplinary action. Earlier offenses may demonstrate that the employee was fully aware of the nature of the misconduct and could support selection of a relatively high penalty within the range provided by the guide.

e. When the past record involves an offense or offenses unrelated to the current offense, or when two or more offenses are being considered for disciplinary action at the same time, a greater penalty than would be imposed for a first offense may be appropriate. In these cases, the severity of the penalty should take into account the total pattern of behavior. It should also be noted that the penalty guide does not require a progression through all possible disciplinary actions prior to removal.

f. Where appropriate, demotion may be used in place of removal.

14. Relationship between disciplinary actions and actions for unacceptable performance. Suspensions, demotions and removals or misconduct, are generally taken under the adverse action procedures in 5 CFR Part 752. Under the Civil Service Reform Act of 1978, however, alternate procedures were specifically established in 5 CFR Part 432 to lessen the burden of proof in cases based on unsatisfactory performance. Part 432 procedures can be used when an action is based solely on unacceptable performance in one or more critical elements. The adverse action procedures in 5 CFR Part 752 can also be used for performance related demotions or removals. But, since Part 752 actions require a greater degree of proof than Part 432 actions, they are generally used in performance cases only where poor performance is

mixed with misconduct or other problems not clearly falling under the category of unacceptable performance in one or more critical elements. Supervisors should work particularly closely with their employee and labor relations staff when confronting situations involving both performance problems and misconduct

15. Further considerations when processing disciplinary actions.

a. OPM has issued Government-wide regulations governing the processing of both Part 432 and Part 752 actions. Because the regulations are complex and detailed, specific agency-wide procedures for processing such actions are not necessary. (See GSA Order HRM 9430.2, GSA Associate (Employee) Performance Plan and Appraisal System (APPAS), for a general description of Part 432 procedures). It should be noted that the procedural requirements of the Competitive Service are not always applicable to Excepted Service or temporary employees. The Office of Human Resources Management (OHRM) and OGC must always be consulted when considering suspensions, demotions, or removals.

b. As noted in paragraph 8c, above, in addition to OPM's regulations, regional issuances and labor agreements may detail procedures that are applicable to disciplinary actions that go beyond those specified in this directive.

Appendix A. Penalty Guides

Penalty Guide - Table 1

Type of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
<p>1. Reporting for duty or being on duty under the influence of intoxicants or drugs to such an extent as to render the employee unfit for duty. Also using or selling intoxicants (not controlled substances) on Government-owned or leased premises, or possessing intoxicants on Government property where such possession has been prohibited.</p> <p>a. Where safety of persons or property is not endangered thereby.</p> <p>b. Where safety of persons or property is endangered thereby.</p>	<p>Reprimand to suspension</p> <p>Suspension to removal</p>	<p>Suspension to removal</p> <p>Removal</p>	<p>Removal</p>
<p>2. Driving a Government vehicle (or privately-owned car on official business) while under the influence of intoxicants or drugs.</p>	<p>Suspension to removal</p>	<p>Removal</p>	
<p>3. Use of illegal drugs by employees serving in positions designated for drug testing as confirmed by a positive test result.</p>	<p>Reprimand to removal</p>	<p>Removal</p>	
<p>4. Refusal to take a drug test</p>	<p>Removal</p>		
<p>5. Recurring tardiness: Being late for work (up to 30 minutes) without adequate</p>	<p>Warning notice</p>	<p>Reprimand to suspension</p>	<p>Suspension to removal</p>

justification.			
6. Absence from duty for less than one workday without permission or without adequate justification (<i>e.g.</i> , tardiness of more than 30 minutes; unauthorized delay in returning from lunch/break periods or in returning after leaving work station on official business; leaving the job without permission); failure to follow instructions for notifying supervisor or obtaining approval for absences of less than one workday.	Warning notice to reprimand	Reprimand to suspension	Suspension to removal
7. Absence from duty for one workday or more without permission or adequate justification; failure to follow instructions for notifying supervisor and obtaining approval for absences of one workday or more. (When absence exceeds 10 calendar days without permission or adequate justification, the penalty of removal may be imposed for the first offense.)	Reprimand to removal	Suspension to removal	Removal
8. Misuse of sick leave such as working at another job during any period of sick leave, or using sick leave for absences unrelated to illness or medical care (in which case the leave should be changed to AWOL in addition to appropriate discipline) or failure to follow instructions for notifying the supervisor or obtaining approval for absence.	Warning notice to removal	Reprimand to removal	Removal

9. Failure to follow supervisory instructions without willful intent.	Warning notice to reprimand	Reprimand to suspension	Suspension to removal
10. Insubordination; refusal to comply with authorized instructions issued by a supervisor.	Reprimand to removal	Suspension to removal	Removal
11. Neglect of duty: Sleeping on duty, loafing, failure to be at work on task assigned, unreasonable delay or failure in carrying out instructions, conducting personal affairs on official time, or careless workmanship resulting in waste or delay. a. Where safety of persons or property is not endangered. b. Where safety of persons or property is endangered.	Warning notice to reprimand Reprimand to removal	Reprimand to suspension Removal	Removal
12. Disrespectful conduct toward a supervisor or other management official	Reprimand to suspension	Suspension to removal	Removal
13. Disorderly conduct. a. Use of abusive or offensive language; making demeaning remarks or comments; quarreling; creating a disturbance which adversely affects production or morale. b. Fighting, threatening, attempting to inflict or inflicting bodily injury to another individual.	Reprimand to removal Suspension to removal	Suspension to removal Removal	Removal

14. Misconduct of a sexual nature such as unwelcome sexual remarks, indecent comments/jokes, offensive sexual banter, unwanted sexual advances, or unwelcome physical touching.	Reprimand to removal	Suspension to removal	Removal
15. Violation of regulations where safety of persons or property is endangered (other than 1 and 10 above).	Reprimand to removal	Suspension to removal	Removal
16. Indebtedness: failure to demonstrate conscientious effort to pay financial obligations in a proper or timely manner, or to live up to arrangements agreed upon for payment. (Note: Conduct involving personal financial obligations should be carefully evaluated for nexus to employment)	Warning notice to reprimand	Reprimand to suspension	Suspension to removal
17. Failure to report outside employment, business or professional activity when required. a. When no conflict of interest is involved b. When a conflict of interest is involved	Warning notice Reprimand to removal	Reprimand Removal	Suspension to removal
18. Failure to observe security or safety regulations or orders. a. Where the violation involves information classified Secret or above. b. Where the violation	Reprimand to removal Reprimand	Removal Suspension	Removal

<p>involves information classified below Secret.</p> <p>c. Where the violation does not involve documents/data (e.g., building security protocols)</p>	<p>to removal</p> <p>Reprimand to removal</p>	<p>to removal</p> <p>Suspension to removal</p>	<p>Removal</p>
<p>19. Falsification; Knowingly providing incorrect or incomplete information with the intent to deceive; Making misstatement or misrepresentation with the intent to mislead.</p>	<p>Reprimand to suspension</p>	<p>Suspension to removal</p>	<p>Removal</p>
<p>20. Lack of candor; Failure to disclose information that should have been disclosed in order to make a statement accurate and complete</p>	<p>Reprimand to suspension</p>	<p>Suspension to removal</p>	<p>Removal</p>
<p>21. Conduct Unbecoming a Federal Employee: Misconduct which is unsuitable, detracts from one's character or reputation or creates an unfavorable impression</p>	<p>Reprimand to removal</p>	<p>Suspension to removal</p>	<p>Removal</p>
<p>22. Off-duty misconduct</p> <p>(Note: Conduct must be carefully evaluated for nexus to employment)</p>	<p>Reprimand to removal</p>	<p>Suspension to removal</p>	<p>Removal</p>

Penalty Guide - Table 2
Infractions that must be referred to the OIG

Type of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
<p>1. Unauthorized use, removal, or possession of Government property, funds, services, supplies, or materials, including use or permitting the improper use of government credit cards or other obligating forms or devices, or the property of other employees.</p> <p>(In arriving at the penalty, consideration should be given to the value of the property involved and whether voluntary restitution was made.</p>	Suspension to removal	Removal	
<p>2. Misstatement or omission of material facts from, unlawful concealment, removal, alteration, mutilation, or destruction of any official document, contract files, or records.</p>	Reprimand to removal	Suspension to removal	Removal
<p>3. Conduct as described in 2 above which results in: Accepting incomplete services, supplies, or materials or misrepresentation of contract inspections, etc., and/or false certification for work not performed or supplies, services, or materials not received; preparing or issuing a contract for services, supplies, or</p>	Suspension to removal	Removal	

materials which exceeds reasonable requirements; requesting and accepting services, supplies, or materials other than those contracted for; preparing an inaccurate Government estimate resulting in the acceptance of a given bid/price proposal from a contractor thereby causing damage or financial loss.			
4. Misappropriation of Government funds or other funds that come into employee's possession by reason of his official position.	Suspension to removal	Removal	
5. Misstatement of one or more claims (travel vouchers, time and attendance records, etc.):			
a. Claims for \$100 or less.	Reprimand to removal	Removal	
b. Claims of more than \$100.	Suspension to removal	Removal	
6. Partisan political activity in violation of the law.	Removal or other activity as directed by OPM		
7. Use of public office for private gain.	Suspension to removal	Removal	
8. Misconduct, whether or not in violation of a criminal statute, which impairs job performance or trustworthiness of the employee or otherwise affects the ability of a part of GSA to perform its mission.	Reprimand to removal	Suspension to removal	Removal
9. Willful use or authorizing the use of Government-owned or leased passenger motor	30 day suspension to removal	Removal	

vehicles or aircraft for unofficial purposes	Note: A 30 day suspension is the minimum penalty proscribed by statute (31 USC 1349 (b)). Where the element of willfulness is not clearly shown or when the vehicle is not a passenger vehicle, the same or lesser penalty may be imposed depending on the circumstances.		
<p>10. Loss of or damage to Government Property:</p> <p>a. Through carelessness or negligence or when property involved is valued at less than \$500.</p> <p>b. Through maliciousness or intent, or when property involved is valued at \$500 or greater.</p>	<p>Warning notice to suspension</p> <p>Reprimand to removal</p>	<p>Reprimand to suspension</p> <p>Suspension to removal</p>	<p>Suspension to removal</p> <p>Removal</p>
11. Failure, through negligence, to account properly for Government funds.	Reprimand to removal	Removal	
12. Negligent control of	Reprimand	Suspension	Removal

government credit cards or other obligating forms and devices.	to suspension	to removal	
13. Failure to report to the Office of the Inspector General: a. Apparent or suspected violations of law in connection with an operation of GSA. b. Apparent or suspected violation of an Order, Regulation, or directive in connection with an operation of GSA.	Reprimand to removal Warning notice to removal	Suspension to removal Reprimand to removal	Removal Removal
14. Refusal to provide information in connection with or failure to cooperate with an investigation or to furnish a signed statement when required, except where such a refusal is based upon grounds of self incrimination in potential criminal prosecution or privileged communications.	Reprimand to removal	Suspension to removal	Removal
15. Mismanagement of a contract, or failure to administer provisions thereof, whether or not it results in a loss to the Government.	Reprimand to removal *Minimum of suspension if the employee acted knowingly and willfully	Suspension to removal	Removal
16. Failure to maintain contract files in a complete and correct manner in accordance with regulations and GSA requirements.	Reprimand to removal *Minimum of	Suspension to removal	Removal

	suspension if the employee acted knowingly and willfully		
17. Failure to secure adequate and required competition for contracts in accordance with applicable regulations.	Reprimand to removal *Minimum of suspension if the employee acted knowingly and willfully	Suspension to removal	Removal
18. Awarding of more than one contract/purchase order with the intent of avoiding limitations on contracting authority or the requirements of applicable regulations.	Suspension to removal	Suspension (14 days) to removal	Removal
19. Negligently or willfully awarding contracts which exceed contracting authority.	Reprimand to removal	Suspension to removal	Removal
20. Negligent or willful: (1) Acceptance of incomplete services, supplies, or materials; or (2) Misrepresentation of contract inspections and certification for work not performed or services, supplies, or materials not received.	Reprimand to removal	Suspension to removal	Removal
21. Negligently or willfully preparing or issuing a contract for quantities which exceed reasonable requirements.	Reprimand to removal	Suspension to removal	Removal
22. Negligently preparing an inaccurate Government	Reprimand to	Suspension to removal	Removal

estimate resulting in the acceptance of a given bid/price proposal from a contractor that thereby causes loss to the Government.	suspension		
23. Knowingly making false statements that are slanderous or defamatory about employees or officials.	Reprimand to removal	Removal	
24. Gambling, betting, or promotion thereof on government-owned or leased property, or while on duty for GSA.	Reprimand to removal	Suspension to removal	Removal
25. Soliciting or making a contribution for a gift (as defined by 5CFR 2635.203) to an official superior, or acceptance of such a gift by an official superior.	Removal		
26. Lending money for profit on government-owned or leased premises to any other person; borrowing money from a subordinate or securing a subordinate's endorsement on a loan.	Reprimand to removal	Removal	
27. Sale of illegal or prescription drugs, or possession of illegal drugs, on government-owned or leased premises or while on duty.	Suspension to removal	Removal	
28. Unethical or inappropriate use of official authority or credentials, or unauthorized disclosure or use of official information.	Reprimand to removal	Removal	
29. Inappropriate solicitation or acceptance of gifts, loans, gratuities, favors, etc., from persons, firms, or corporations with whom employees have	Reprimand to removal	Removal	

official relations.			
30. Violating GSA regulations prohibiting the purchase of government property, personal or real, being sold by GSA.	Reprimand to removal	Removal	
31. Discrimination, including harassment, against any employee or applicant for employment based on race, color, religion, sex (including pregnancy, transgender status, and sexual orientation), age (40 or older), national origin, physical or mental disability or genetic information.	Warning notice to removal	Reprimand to removal	Removal
32. Reprisal action against any person for proper exercise of the right to file a discrimination complaint or grievance, or for reporting an irregularity, real or suspected.	Warning notice to removal	Reprimand to removal	Removal
33. Violation of GSA regulations regarding financial interests or transactions that conflict with the performance of official duties.	Reprimand to removal *Minimum of suspension if the employee acted knowingly and willfully	Suspension to removal	Removal
34. Violating GSA and/or Federal regulations of carrying, storing, or bringing weapons, firearms, etc. on to Federal property.	Reprimand to removal	Suspension to removal	Removal

1 Contract throughout this penalty guide denotes all procurement actions which bind the Government and includes purchase orders, leases and other contracted arrangements.