

(-)A-1  
 DPM-751

CHAPTER 751 - DISCIPLINE

APPENDIX A - USDA Table of Disciplinary Penalties

The purpose of this Table is to assist those responsible for disciplining employees in selecting appropriate penalties. While the Table does not cover every possible offense, it does present the generally accepted relationships between the more common types of offenses and the penalties usually assessed.

The Table is merely a guide. Each case must be evaluated on its own merits, but the Table does provide a framework to assure consistent application of disciplinary penalties throughout the Department. Before imposing a particular penalty, the deciding official should consider all of the pertinent factors including:

1. The existence of mitigating circumstances,
2. The length of service and previous record of the employee,
3. The presence or absence of any previous disciplinary action,
4. The nature and seriousness of the offense,
5. The type or different types of offenses involved, and
6. The level of responsibility at which the employee is serving.

TABLE OF DISCIPLINARY PENALTIES

<u>TYPES OF DELINQUENCY OR MISCONDUCT</u>	<u>PENALTY FOR FIRST OFFENSE</u>	<u>PENALTY FOR SUBSEQUENT OFFENSE</u>
<b>1. <u>FISCAL IRREGULARITIES:</u></b>		
a. Unauthorized and/or improper use of Government funds or of other funds which came into an employee's possession by reason of employment.	Suspension for 1 pay period to Removal	Removal
b. Submission of or causing or allowing the submission of falsely stated travel, payroll, loan or purchase vouchers or their supporting documents (e.g., application for leave).	Removal if it results in personal benefit	
	Suspension for 1 pay period if it results in personal benefit to another	Removal
	If for administrative convenience or to avoid following required procedures: Reprimand to Removal	Removal
c. Failure to properly account for or make proper distribution of any money, property or other thing of value received by or coming into employee's custody as result of employment.	Reprimand to Removal	Removal

(-)A-2  
DPM-751

APPENDIX A - USDA Table of Disciplinary Penalties

<u>TYPES OF DELINQUENCY OR MISCONDUCT</u>	<u>PENALTY FOR FIRST OFFENSE</u>	<u>PENALTY FOR SUBSEQUENT OFFENSE</u>
<b>2. <u>FALSIFICATION OF RECORDS:</u></b>		
a. Falsification of application for employment, or other personal history record statement by omission or making a false entry which would have adversely affected selection for appointment or promotion.	Removal	
b. Falsification of application for employment or other personal history record statement by omission or making a false entry which would not have adversely affected selection for appointment or promotion.	Reprimand to 5 workdays Suspension. (If it is decided that the false statement was unintentional, no action other than a letter of caution need be taken.)	Five workdays Suspension to one pay period Suspension
c. Other falsification of material facts in any official documents or records when property or funds are not misused.	Reprimand to Removal	Suspension of 1 pay period to Removal
d. Making false statements to an official of the Department with respect to an official matter.	Reprimand to Removal	Suspension of 1 pay period to Removal
<b>3. <u>CONDUCT PREJUDICIAL TO THE BEST INTERESTS OF THE SERVICE:</u></b>		
a. Conduct which causes the employee to be convicted of a criminal charge which relates directly to the duties of the employee's position or the mission of the Agency.	Removal	
b. Infamous or notoriously disgraceful conduct.	Removal	
c. Concealing, removing, mutilating, altering or destroying Government records.	Reprimand to Removal	Suspension of 5 workdays to Removal
d. Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan, unusual discount, or any other thing	Suspension of 5 workdays to Removal	Removal

CHAPTER 751 - DISCIPLINE

APPENDIX A - USDA Table of Disciplinary Penalties

<u>TYPES OF DELINQUENCY OR MISCONDUCT</u>	<u>PENALTY FOR FIRST OFFENSE</u>	<u>PENALTY FOR SUBSEQUENT OFFENSE</u>
d. Contd. of monetary value from a person, firm, corporation, or individual acting in behalf thereof which has or is seeking business or financial relations with the Department or which conducts operations or activities regulated by the Department or which has interests that may be affected by the employee's performance or nonperformance.		
e. Soliciting a contribution from another employee for a gift to an official superior, making a donation as a gift to an official superior, or accepting a gift from an employee receiving less pay than employee. (Exception: Nominal gifts on special occasion such as marriage, illness, transfer, or retirement.)	Suspension of 2 pay periods to Removal	Removal
f. Borrowing money from a subordinate employee, securing employee's endorsement on a loan, or otherwise having the subordinate assume the financial responsibility of a superior.	Suspension for 1 pay period to Removal	Removal
g. Willful use of, or authorizing use of, any Government-owned or Government-leased passenger vehicles or aircraft for other than official business.	One month Suspension to Removal. (Unofficial use of Government passenger carrying vehicles or aircraft carries a mandatory penalty of one month Suspension 31 U.S. Code 638a(c) (2).)	Removal
h. Use of, or authorizing use of, other Government-owned or Government-leased vehicles such as trucks, aircraft, boats or other motor vehicles for other than official purposes.	Suspension of 1 month to Removal	Removal
i. Carrying of unauthorized passengers in Government-owned or Government-leased vehicles, such as aircraft, boats and trucks.	Reprimand to 1 pay period Suspension	One pay period Suspension to Removal

(-)A-4  
DPM-751

## APPENDIX A - USDA Table of Disciplinary Penalties

<u>TYPES OF DELINQUENCY OR MISCONDUCT</u>	<u>PENALTY FOR FIRST OFFENSE</u>	<u>PENALTY FOR SUBSEQUENT OFFENSE</u>
j. Personal use of, or authorizing use of, other Government property facilities or services for other than official purposes.	Reprimand to Removal	Suspension of 5 workdays to Removal
k. Unauthorized removal of a thing of value from a location where the employee performs official duty.	One pay period Suspension to Removal	Removal
l. Unauthorized removal of Government-owned or Government-leased property or property over which Governmental custody is exercised.	One pay period Suspension to Removal	Removal
m. Fighting, threatening, inflicting bodily harm, or using abusive language at place of assignment, or Government premises or in other situations where the circumstances are job-related.	Reprimand to Removal	Suspension of 5 workdays to Removal
n. Gambling on duty or on premises where assigned to duty.	Reprimand to Removal	Removal
o. Engaging in "horseplay" during working hours (acting in a manner, often at hazard of personal injury to participant or spectator).	Reprimand to Removal	Suspension of 5 workdays to Removal
p. Failure to honor valid debts or legal obligations in a timely and proper manner.	Reprimand	Second offense- Reprimand to 5 workdays Suspension. Third offense - 5 workdays Suspension to Removal.
q. Discourteous conduct to the public confirmed by an immediate supervisor's report of four such instances within a one-year period or any other pattern of discourteous conduct.	Suspension for 1 workday to 14 workdays	Second offense- Suspension for 1 pay period to 2 pay periods. Third offense - 2 pay periods to Removal.
<b>4. <u>INSUBORDINATION:</u></b>		
a. Refusal to comply with instructions.	Suspension for 5 workdays to Removal	Suspension for 2 pay periods to Removal

(-)A-5  
 DPM-751

CHAPTER 751 - DISCIPLINE

APPENDIX A - USDA Table of Disciplinary Penalties

<u>TYPES OF DELINQUENCY OR MISCONDUCT</u>	<u>PENALTY FOR FIRST OFFENSE</u>	<u>PENALTY FOR SUBSEQUENT OFFENSE</u>
b. Failure to report for duty as detailed, transferred, or reassigned.	Removal	
c. Refusing to provide information to authorized representatives of the Department and/or other Government Agencies when called upon, if the inquiry relates to official matters and the information is obtained in the course of employment or as the result of relationships incident to such employment.	Suspension for 5 workdays to Removal	Suspension of 1 pay period to Removal
<b>5. <u>NEGLECT OF DUTY:</u></b>		
a. Negligence in performing official duties.	Suspension for 5 workdays to 1 pay period. (Single acts of gross negligence can warrant up to Removal.)	Suspension for 1 pay period to Removal
<b>6. <u>UNACCEPTABLE PERFORMANCE:</u></b>		
a. Unacceptable performance of one or more of the critical elements of one's position.	Removal or demotion	
<b>7. <u>UNAUTHORIZED ABSENCE:</u></b>		
a. Unauthorized absence from duty. ( <u>Absence must be carried on the time and attendance reports as absence without leave.</u> )	Reprimand to Removal	Suspension for 1 pay period to Removal
<b>8. <u>IMPROPER USE OF INTOXICANTS OR DRUGS FOLLOWING REHABILITATIVE EFFORTS</u></b>		
	SEE GUIDELINES ON ALCOHOL AND DRUG ABUSE	
a. Using or being under the influence of intoxicants or drugs while on official duty, or reporting for duty under the influence of intoxicants or drugs.	Reprimand to Removal	Suspension of 5 workdays to Removal
b. Operating Government-owned or Government-leased vehicle or conveyance (or privately-owned vehicle on official business) while under the influence of intoxicants or drugs.	Removal	

(-)A-6  
 DPM-751

APPENDIX A - USDA Table of Disciplinary Penalties

TYPES OF DELINQUENCY OR MISCONDUCT	PENALTY FOR FIRST OFFENSE	PENALTY FOR SUBSEQUENT OFFENSE
9. <u>PROHIBITED POLITICAL ACTIVITY:</u>		
a. Engaging in types of political activities prohibited by law or by Office of Personnel Management regulations.	Removal	
10. <u>SAFETY AND HEALTH VIOLATIONS:</u>		
a. Failure to report accidents and/or injuries as required by Agency policy and/or regulations.	Reprimand to Suspension for 1 pay period	Suspension of 1 pay period to Removal
b. Failure or refusal to wear/use protective equipment/devices when provided and/or when required.	Reprimand to Suspension for 1 pay period.	Removal
c. Operation of a Government-owned or Government-leased vehicle without appropriate State driver's license.	Reprimand to Removal	Suspension of 5 workdays to Removal
d. Requiring or allowing subordinates to perform work activities in a manner or where conditions are unsafe and/or unhealthy.	Reprimand to Removal	Suspension of 5 workdays to Removal
11. <u>DISCRIMINATORY PRACTICES:</u>		
a. Acting or failing to act on an official matter in a manner which improperly takes into consideration an individual's race, color, religion, age, sex, national origin, or physical or mental handicap.	Suspension for 5 workdays to Removal	Removal
b. Use of critical, demeaning, slanderous, inflammatory, defamatory, or degrading remarks or comments, which relate to an individual's race, color, religion, age, sex, national origin, or physical or mental handicap.	Reprimand to Removal	Five workdays Suspension to Removal
12. <u>SEXUAL HARASSMENT:</u>		
a. <u>Most severe</u> - actual or attempted rape or sexual assault.	Removal	
b. <u>Severe</u> - such as pressure for sexual favors.	1 pay period Suspension to Removal	Removal
c. <u>Less severe</u> - such as uninvited teasing, jokes, remarks or questions of a sexual nature.	Reprimand to 5 workdays Suspension	Five workdays Suspension to Removal