



UNITED STATES MARINE CORPS

MARINE CORPS BASE

PSC Box 20004

Camp Lejeune, North Carolina 28452-0004

BO 12752.1A

HREL

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BASE ORDER 12752.1A

From: Commanding General

To: Distribution List

Subj: DISCIPLINE, CONDUCT, AND ADVERSE ACTIONS

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1. Purpose. To provide instructions and guidance concerning discipline, conduct, and adverse actions as they apply to civil service employees.

2. Cancellation. BO 12752.1.

3. Information

a. This Order applies to all Department of the Navy employees as defined in paragraph 3 of enclosure (1) except for the following:

(1) An employee of a nonappropriated fund instrumentality paid from nonappropriated funds.

(2) Schedule B excepted service employees without competitive status.

b. Actions taken against unit employees must also be in conformance with the applicable negotiated agreement.

c. Disciplinary and adverse actions shall be taken against an employee only for such cause as will promote the efficiency of the service.

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d. Disciplinary and adverse actions may not be taken against an employee on the basis of any prohibited personnel practice (5 U.S.C. 2302).

4. Action. All organizations employing civil service personnel shall comply with the instructions contained herein. Organizational commanders, heads of command staff sections, and department heads will ensure that all subordinate managers and supervisors (military and civilian) are thoroughly familiar with the contents of this Order and that the Order is made available to the employees upon request.

5. Concurrence. This Order has been coordinated with and concurred in by the Commanding Officer, Marine Corps Air Station, New River.


B. A. GOMBAR
Chief of Staff

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DEFINITIONS

1. Adverse Action. A removal, suspension for more than 14 days, reduction in grade or pay, or furlough for 30 days or less.
2. Day. Calendar day.
3. Employee
 - a. For purposes of adverse actions, an individual in the competitive service who is not serving a probationary or trial period under an initial appointment or who has completed one year of current continuous employment under other than a temporary appointment limited to one year or less; and a preference eligible in the excepted service who has completed one year of current continuous service in the same or similar positions.
 - b. For purposes of disciplinary action, an individual paid through appropriated funds regardless of career status or work schedule.
4. Furlough. A temporary status without duties and pay because of lack of work or funds, or other nondisciplinary reasons.
5. Grade. A level of classification under a position classification system.
6. Disciplinary Action. A letter of reprimand or a suspension for 14 days or less.
7. Letter of Admonishment. A written correction by a superior official of an employee's improper conduct.
8. Letter of Reprimand. A written remedy by a superior official for an employee's improper conduct.
9. Corrective Action. An oral admonishment or a letter of admonishment/caution, i.e., an action not recorded in an employee's Official Personnel Folder.
10. Official. A person who has been delegated authority to propose or decide an adverse or disciplinary action under this Order.
11. Oral Admonishment. An oral (unwritten) correction by a superior official of an employee's improper conduct.
12. Pay. The rate of basic pay fixed by a law or administrative action for the position held by an employee.

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13. Removal. The involuntary separation of an employee from the activity except when taken as a reduction-in-force action.

14. Suspension. The placing of an employee in a temporary nonduty, nonpay status for disciplinary reasons.

15. Letter of Requirement. A nondisciplinary, written notice which levies an employment-related requirement upon the recipient.

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1. A suspension or removal taken in the interests of national security (5 U.S.C. 7532).
2. A reduction-in-force action.
3. A reduction in grade or removal based on performance under 5 U.S.C. 4303.
4. The reduction in grade of a supervisor or manager who has not satisfactorily completed the probationary period if such reduction is to the grade held immediately before becoming such a supervisor or manager (5 U.S.C. 3321).
5. An action initiated under authority of the Special Counsel or taken at the direction of the Merit Systems Protection Board (5 U.S.C. 1205, 1206, 1207).
6. An action taken under provision of statute, other than one codified in 5 U.S.C., which excepts the action from subchapter II of Chapter 75 of 5 U.S.C.
7. An action which entitles an employee to grade retention and an action to terminate this entitlement (5 U.S.C. 5362).
8. A voluntary action initiated by the employee.
9. An action taken or directed by the Office of Personnel Management for suitability reasons (5 CFR Parts 731 and 754).
10. Involuntary retirement because of disability.
11. Termination of appointment on the expiration date specified as a basic condition of employment at the time the appointment was made.
12. An action which terminates a term promotion and returns the employee to the position from which promoted or to a position of equivalent grade and pay, if the employee was informed that it was to be of limited duration.
13. Cancellation of a promotion to a position not classified prior to the promotion.
14. Placement of an employee serving on an intermittent, part-time, or seasonal basis in a nonduty, nonpay status in accordance with conditions established at the time of appointment.

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15. Reduction of an employee's rate of pay from a rate which is contrary to law or regulation to a rate which is required or permitted by law or regulation.

16. An action against a reemployed annuitant.

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DELEGATION OF AUTHORITY AND RESPONSIBILITIES

1. Delegation of Authority

a. The authority to propose or effect adverse actions may be exercised by an official "acting" in the absence of the official to whom the respective authority has been delegated, but it may not be exercised "By direction."

b. First line and higher supervisors are delegated authority to give oral admonishments; and issue letters of admonishment, requirement, reprimand, and proposed suspensions of 14 days or less.

c. Senior command officials, respectively, hereby delegate authority to propose and effect disciplinary and adverse actions as follows:

(1) Marine Corps Base

(a) Effect Disciplinary Actions and Propose Adverse Actions. Division heads and designated subordinates of organizational commanders and command staff section heads.

(b) Effect Adverse Actions. Assistant Chiefs of Staff, organizational commanders, and command staff section heads.

(2) Marine Corps Air Station

(a) Effect Disciplinary Actions and Propose Adverse Actions. Department heads, designated subordinates of Commanding Officer, Headquarters and Headquarters Squadron, and designated subordinates of command special staff heads.

(b) Effect Adverse Actions. Heads of staff sections, Commanding Officer, Headquarters and Headquarters Squadron, and command special staff heads.

(3) Naval Hospital

(a) Effect Disciplinary Actions and Propose Adverse Actions. Department heads.

(b) Effect Adverse Actions. Commanding Officer, Executive Officer, and directors.

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(4) Naval Dental Center

(a) Effect Disciplinary Actions and Propose Adverse Actions. Branch directors and Director, Dental Clinic Administration.

(b) Effect Adverse Actions. Executive Officer.

2. Responsibilities

a. Supervisors. The immediate supervisor is responsible for maintaining discipline and morale among the employees supervised and for initiating appropriate action when warranted. In initiating disciplinary actions, supervisors will be guided by enclosure (4). To ensure that supervisors exercise maximum responsibility over subordinates, employees will generally receive instructions or discipline from or through immediate supervisors. This does not preclude disciplinary action being initiated by higher levels of supervision. When this is done, the higher level supervisor should consult with, and to the extent practicable, work through the immediate supervisor. When a supervisor observes an infraction of rules and the immediate supervisor of the employees concerned is not available, this person may take such steps on the spot as appear warranted. Thereafter, this supervisor will locate the supervisor concerned, fully explain the circumstances, and place further responsibility for action in the hands of the immediate supervisor. When military personnel serve as immediate supervisors of civilians, they will exercise the same responsibilities as are exercised by civilian supervisors.

b. Human Resources Office Site Manager. The Human Resources Office Site Manager, through the Employee Labor and Relations Staff, is responsible for the following:

(1) Assisting supervisors and management officials at all levels in disciplinary and adverse action matters.

(2) Providing technical review of investigations.

(3) Drafting all adverse actions and disciplinary actions involving suspensions, ensuring consistency and conformance to prescribed regulations and procedures.

(4) Upon request, advising employees against whom adverse action is taken, concerning grievance/appeal rights.

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(5) Monitoring disciplinary procedures and recommending changes as appropriate.

(6) Maintaining a record which, at a minimum, will contain copies of:

- (a) The proposed action.
- (b) The employee's written answer, if any.
- (c) A summary of the employee's oral reply, if one is made.
- (d) The notice of decision and the reasons therefore.
- (e) The supporting material.
- (f) Any order affecting the decision.

(7) Providing a copy of the record to the Merit Systems Protection Board (MSPB) upon its request and to the employee affected or employee's designated representative upon the employee's written request.

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GUIDANCE IN EFFECTING DISCIPLINARY ACTIONS

1. Purpose. The purpose of this enclosure is to provide advice and guidance to supervisors and managers in effecting disciplinary actions. It should be understood to constitute minimum acceptable procedure and followed under normal disciplinary situations.

2. Department of the Navy Philosophy of Discipline. Discipline is a managerial tool intended to correct deficiencies in employee behavior and attitude, correct situations which interfere with efficient operations, maintain high standards of government service, and maintain public confidence in the Department of the Navy (DON). It is not the philosophy of DON to utilize disciplinary measures for the sole purpose of punishing employees. An employee whose behavior is not acceptable to management, but whose behavior is not corrected is quite likely to persist in that unacceptable behavior in the erroneous belief that it is correct, or at least condoned. Supervisors and managers have an obligation to such employees to correct behavioral deficiencies while they are still minor and before the behavior becomes habit and a bad example to others. It is easier to correct a first instance of deficient behavior than to ignore the situation and later try to correct the third, fourth, or fifth instance. It is easier and better management to correct a minor case of deficient behavior than to ignore the situation and allow the problem to become a major one.

3. Guidance in Selecting a Proper Course of Disciplinary Action

a. Choose the Minimum Disciplinary Action Likely to Correct the Improper Behavior. Most people would not use an elephant gun in hunting rabbits and this analogy holds true in choosing disciplinary actions. For example, it would be foolish to attempt to correct an employee's first instance of tardiness by imposing a 1-day suspension. Such an action could create a significant amount of resentment in the employee and do more damage than good. Determining the minimum action likely to correct the problem is extremely important and a responsibility which frequently lies with the first line supervisor.

b. Disciplinary Actions Must be Fair and Just. This is another way of saying that there must be similar actions for similar offenses. This does not mean that all similar actions must bear identical remedies since there are other factors such as mitigating circumstances which should be considered. It is important that managers have good reasons for imposing

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significantly different remedies for similar offenses. A good place to start in determining a proper remedy is to look at enclosure (6). While this schedule of corrective actions is not mandatory, most actions within the DON fall within its limits and there should be good reasons for deviation from the guide when it occurs.

c. Disciplinary Actions Should be Timely. Being timely does not mean that disciplinary actions should be taken in haste. Disciplinary actions should not be taken precipitately because important facts might be ignored. However, the corrective influence of a suspension, for example, is greatly diminished if it follows the offense by six months or a year.

d. Mitigating, Unusual, or Aggravating Circumstances Should be Considered in Determining a Proper Disciplinary Action. Such considerations as the employee's position, length of service, or prior disciplinary actions should be taken into consideration. If at all possible, obtain the employee's version of the events before initiating a disciplinary action. It may be that the employee will have an acceptable explanation or be able to present mitigating circumstances.

e. Consider the Employee as a Unique Individual. What is the employee's attitude? Does the employee fully understand the nature of the offense and why the manager is troubled? Is the offense part of a continuing behavioral pattern or does it represent an isolated action? Has the employee been led to believe that the behavior in question is appropriate?

4. Alternative Courses of Action. While it is a generally bad idea to ignore instances of employee misconduct, all misconduct does not warrant formal disciplinary action. There are other forms of correction available.

a. Explanation or Training. If the employee is unaware of the proper performance or conduct, it may be that training, or perhaps a sound explanation, will be sufficient to correct the problem. This alternative is particularly likely to be appropriate when the employee is new or working in an unfamiliar environment.

b. Civilian Employee Assistance Program (CEAP). As a general rule it is in the best interest of DON to rehabilitate rather than remove an employee. Misconduct is not always willful. It may stem from alcoholism, misuse of drugs, or from other personal problems which may be helped through the CEAP. A

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manager should seek guidance and advice from the Human Resources Office on whether to refer an employee to a CEAP counselor or take disciplinary action.

c. Performance Ratings. Most employees are aware of the importance of performance ratings and want to receive favorable ratings. A discussion about performance and/or a low performance appraisal should have a positive effect in improving employee performance. If an employee's performance becomes unacceptable, that employee may be demoted or removed in accordance with BO 2430.4A.

d. Withholding Within-Grade Increases. If an employee's performance does not warrant a within-grade increase, it is appropriate to give the employee a negative determination. This procedure is available to defer or deny unearned incremental salary increases and to motivate the employee to improve current performance.

e. Voluntary Action by Employee. An employee who is confronted by management with a potential disciplinary situation may volunteer to accept a lower grade, a reassignment, or resignation in lieu of disciplinary action. However, management must not coerce the employee into taking such an action. It is permissible to tell an employee that a removal action is contemplated and that if the employee resigns before an action is proposed, no record will be made in the Official Personnel File. It is not permissible to tell the employee that the employee must resign or face a removal action. The latter example is coercion, and must be avoided.

f. Oral Admonishment. Oral admonishments or warnings are informal actions and usually constitute the first step in progressive discipline. As a rule, they are taken by the immediate supervisor for minor violations of a rule or regulation, or to call the employee's attention to certain deficiencies in conduct. Incidents for which an employee is orally admonished will not be counted as prior offenses or infractions when determining a remedy under the Schedule. They may be used in subsequent actions, however, to show that certain aspects of conduct have been brought to an employee's attention. The supervisor should retain personal notes of any oral admonishment for a period of one year. An oral admonishment will not be made a matter of record in the Official Personnel Folder. Oral admonishments may not be grieved under the Administrative Grievance Procedure or appealed.

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g. Letters of Admonishment/Caution. A letter of admonishment is a nondisciplinary, written correction of an employee's improper conduct. It may be issued to an individual employee or to a group of employees by an immediate supervisor or by a higher level management official. It advises the recipient(s) of the acceptable standards of conduct and provides notification that conduct is failing to meet those standards. Incidents which form the basis for the issuance of letters of admonishment will not be counted as prior offenses when determining the range of remedies for a subsequent infraction under enclosure (6). Such incidents may, however, be included in the specifications of such infractions when it is appropriate to describe a pattern of conduct. Such letters will not be filed in the employee's Official Personnel Folder, but will be retained by the supervisor for a period not to exceed one year. They will be automatically canceled one year from the date of issuance. They must be reviewed by the Human Resources Office for conformance with prescribed procedures prior to issuance to an employee.

h. Letters of Requirement. A letter of requirement is a nondisciplinary, written notice which levies an employment-related requirement upon the recipient. It may be issued to an individual employee or to a group of employees by an immediate supervisor or by a higher level management official. A letter of requirement may levy a requirement on an employee which is over and above that expected of other employees; e.g., one which requires a doctor's certificate to support future requests for sick leave, or one which subjects an employee to certain controls not imposed on other employees. Incidents which form the basis for the issuance of a letter of requirement will not be counted as prior offenses when determining the remedy for a subsequent infraction under enclosure (6). Such letters will not be filed in the employee's Official Personnel Folder and will be rescinded in writing at such time as improvement in the employee's record warrants. Letters of requirement may be used during their retention period to show that a particular matter has been officially noted and brought to the employee's attention. Letters of requirement are grievable through the appropriate grievance procedure and must be reviewed by the Human Resources Office for conformance with prescribed procedures prior to issuance to an employee.

5. Formal Disciplinary Actions

a. Letter of Reprimand. A letter of reprimand is the minimum formal disciplinary action that may be counted as a prior offense when determining a remedy under the Schedule. It is

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appropriate when a breach of the employee-employer relationship is of such nature as to warrant the temporary inclusion of a record in the employee's Official Personnel Folder. It constitutes a fair warning that the employee has failed or is failing to meet the prescribed standards of behavior of the organization. A reprimand is the first in a possible series of formal disciplinary actions, each more progressive in nature, if the reprimand does not serve its purpose. Incidents which form the basis for the issuance of a reprimand may be counted as prior offenses when determining the remedy for a subsequent infraction under enclosure (6). In certain types of offenses, when a suspension may not be the correct remedy, a series of reprimands, progressively more severe in tone would carry the same weight as suspensions in justifying a subsequent removal action.

b. Suspension of 14 Calendar Days or Less. A suspension is a formal disciplinary action that may be the final warning step in the progressive disciplinary process before removal action. It is a placing of an employee in one or more days of nonduty status, without pay. A suspension is appropriate where other nonformal and/or formal actions have failed to correct unacceptable conduct. Most suspensions fall within a one-to-five-day period. Rarely should a suspension in excess of 10 days be appropriate. The financial impact upon the employee should be carefully considered in decisions to suspend, and the number of days set at a point within the recommended range which will serve to be corrective rather than punitive.

c. Suspensions for More than 14 Calendar Days. A suspension for more than 14 calendar days should not, generally, be imposed. Some circumstances which justify such remedies are: (1) when required by law; (2) when directed by the Office of Personnel Management; (3) when the particular circumstances of the case justify, e.g., an indefinite suspension pending an investigation or disposition of a criminal action; or (4) in conjunction with a removal action where circumstances preclude retaining the employee in a duty status.

d. Removal. Removal should be taken only after less severe measures have failed to correct the offending employee, or when the first offense is of such a serious nature that removal action is clearly warranted. A removal action may be based on an employee's conduct off the job as well as on the job. It may also be based on action occurring before appointment, e.g., falsification of an application. Removal action will be initiated only after it has been clearly demonstrated that the employee does not conform to the accepted rules of conduct, and where such action will promote the efficiency of the service.

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e. Reduction in Grade or Pay. A demotion is not normally an appropriate action since it is usually related to matters of performance. However, in situations of misconduct which appear to warrant removal, demotion to a position of lesser responsibility and authority may be appropriate and serve as a more moderate remedy; e.g., demotion from a supervisory to a nonsupervisory position, and withdrawal of contract approval authority. An employee's previous employment record and the prospect for satisfactory performance in another position should be primary considerations in making this determination.

6. Special Disciplinary Situations

a. Leave Abuse. Leave Without Pay (LWOP) is an approved absence. Do not attempt to impose disciplinary action based on instances of LWOP. If an employee is absent without permission, carry that employee as Absent Without Leave (AWOL). A charge of AWOL will support a disciplinary action. However, an instance of AWOL does not demand a disciplinary action. It does require conducting an investigation. An employee who is AWOL is not paid for the period of unapproved absence. AWOL is charged for the exact amount of time the employee is absent.

b. Indefinite Suspension. If there is good reason, such as an indictment, to believe that an employee is guilty of a crime for which a prison sentence may be imposed, it is possible to place the employee on an indefinite suspension pending resolution of the matter. Though an indefinite suspension is of unspecified duration, the same rules apply as to any type of suspension. If it is expected that the indefinite suspension will last for more than 14 days, the employee must be given 30 days' notice (7 days if the crime provision is invoked), and the employee has the right to appeal to the Merit Systems Protection Board (MSPB) or grieve under the appropriate grievance procedure. "Emergency" suspensions without giving employees the proper notice period and appeal rights are not permitted.

c. Drug And Alcohol Abuse Offenses. Any employee who engaged in misconduct involving drugs and/or alcohol shall be disciplined according to this Order. Special situations are described below.

(1) Voluntary Referral to the Civilian Employee Assistance Program (CEAP). An employee who voluntarily refers himself or herself to the CEAP as a user of illegal drugs under the "safe harbor" provision of BO 12792.3A will be exempt from

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disciplinary action for the admitted acts of illegal drug use, including possession incident to such use, provided the employee meets and complies with the requirements of BO 12792.3A, paragraph 7e.

(2) Assertion of a Handicapping Condition in Reply to a Proposed Action. Any employee who asserts a physical or mental impairment (handicapping condition) in connection with drug or alcohol-related unacceptable performance or misconduct shall be provided reasonable accommodation when the employee:

(a) Establishes by competent medical evidence that he or she is a qualified handicapped person, and

(b) Demonstrates that the unacceptable performance or misconduct is caused by the handicapping condition of alcoholism or drug dependency.

(3) Undue hardship on an Activity. Reasonable accommodation is not required when it would impose an undue hardship on the operation of the program of the employee's activity, such as continuing an unreliable employee in a critical function or in duties which could affect the health or welfare of others.

(4) Conduct Which Takes an Employee Outside the Protection of the Rehabilitation Act. 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 handicapped individual." Egregious or notorious misconduct that hampers an employee's ability to perform the employee's 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 the employee's position.

(5) Trafficking. Trafficking in drugs is misconduct which 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 the table of penalties.

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7. General Prohibitions and Problems

a. Use of Government Property, Facilities, and Manpower. An employee is prohibited from directly or indirectly using or allowing the use of Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to the employee.

b. Misuse of Information. An employee is prohibited from directly or indirectly using or allowing the use of official information obtained through or in connection with the employee's Government employment which has not been made available to the general public, for the purpose of furthering a private interest.

c. Contributions or Presents to Supervisors. An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position; and an employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than the employee; and an employee shall not make a donation as a gift to an employee in a higher official position. This does not, however prohibit a voluntary gift of nominal value or a donation in a nominal amount when made on a special occasion such as marriage, illness, or retirement.

d. Outside Employment

(1) Incompatible Activities. An employee is prohibited from engaging in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of government employment. Outside employment which tends to impair the employee's mental or physical capacity to perform the employee's government duties and responsibilities in an acceptable manner is forbidden. Other incompatible activities include, but are not limited to, acceptance of any favor, pay, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in or create the appearance of conflicts of interest. Employees who intend to run for office in nonpartisan elections or who desire to hold an appointive office with a state or local government, concurrent with their Federal government position, must obtain prior approval of such outside employment from the senior command official. Such approval is contingent upon a determination by the command that the holding of office is not incompatible with, and would not interfere with, the regular and efficient discharge of duties of the employee's Federal position.

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(2) Additional Compensation for Services. An employee is prohibited from receiving any salary or anything of monetary value from a private source as pay for the employee's services to the government.

e. Conduct Prejudicial to the Government. An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the government. Employees shall avoid any action, whether or not specifically prohibited, which might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, impeding government efficiency or economy, losing complete independence or impartiality, making a government decision outside official channels, or affecting adversely the confidence of the public in the integrity of the government.

f. Indebtedness. Employees are required to pay each just financial obligation in a proper and timely manner, especially one imposed by law such as state, federal, or local taxes.

g. Reporting for Duty or Being on Duty Under the Influence of Intoxicants. An employee suspected of reporting for duty or being on duty under the influence of intoxicants will be taken by a supervisor to the Branch Clinic, Building 15, for medical evaluation by a medical officer whenever this is practicable. After normal working hours employees will be seen in the Emergency Room, Naval Hospital, for evaluation. Items 1 through 12 of the Competence for Duty Examination Form, NAVMED 6120/1 (available through Self-Service), will be completed by the organizational commander, command staff section head, department head, division head, or chief of service, as appropriate, or their designated representative, and submitted to the examining physician for the requested examination. Upon completion of the examination, NAVMED 6120/1 and the employee will be released to the official who requested the examination. If it is determined that the employee is under the influence of intoxicants, the employee will be placed on sick leave for the remainder of the day and appropriate action initiated in accordance with this Order and BO 12792.2C.

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PROCEDURES FOR TAKING ACTION

1. Investigative Report

a. Prior to initiating any disciplinary action, management must ascertain whether there is sufficient evidence to justify the contemplated action; a prima facie case that can withstand all of the following tests must exist: that the action can be demonstrated to be for such cause as will promote the efficiency of the service; that the evidence has been thoroughly documented and can be supported by testimony or documents in a grievance or an appeal; that the proposed action is consistent with other actions taken by the command.

b. Investigations will be initiated in a timely manner after the alleged incident or awareness thereof. Such an investigation may be conducted by the employee's immediate supervisor or by any official so authorized. The investigation may include: documented interviews of witnesses; acquisition and examination of pertinent evidence, documents, and reports; visual inspection of the work or incident site (if relevant); and documentation of any unusual conditions or special circumstances. An interview with the employee involved may be especially important to the inquiry. A copy of any written statements made by the employee will be provided to the employee or the employee's designated representative. A properly conducted inquiry may disclose information or mitigating circumstances which otherwise might not be brought to light until a grievance/appeal hearing.

c. An investigation report will be prepared as outlined in enclosure (7), recording all information, specifically and in detail, i.e., dates, times, specific instances, and other data necessary to understand the charge.

d. The investigation report with proposed remedy will be forwarded directly to (no via) the Employee Relations Superintendent, Human Resources Office (HRO) for technical review. The guidance contained in enclosure (6) may be beneficial in determining the appropriate remedy.

e. For Marine Corps Base and MCAS, New River employees, disciplinary and adverse actions will normally be initiated within 30 days after being made aware of the facts and circumstances of an offense that warrants such action. If there is to be a delay in making a determination whether or not to take an action, the concerned employee will be advised in writing that action is being considered and given an estimated date by which such determination will be made.

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f. When a letter of admonishment/caution or reprimand is considered the appropriate action, it should be promptly prepared in draft form, using enclosure (8) or (9) as a guide, attached to the completed investigation report, and forwarded directly to (no via) the Employee Relations Superintendent, HRO for review. After review, the letter will be returned for preparation and issuance to the employee.

g. When a penalty more severe than a letter of reprimand is considered necessary, the investigation will be forwarded directly to (no via) the Employee Relations Superintendent, HRO by the appropriate official authorized to initiate such action, with a statement of the remedy proposed, i.e., number of days of suspension, removal, or demotion. The HRO will prepare, in draft form, the advance notice letter for the cognizant official's approval. The cognizant official will issue the proposed letter and effect delivery to the employee. Delivery will be by such means as to ensure that a copy of the issued letter, with a signed receipt or certification of delivery, is transmitted to the HRO for retention and follow-up.

2. Corrective Actions (See enclosure (4) for discussion)

a. Oral Admonishment.

b. Letter of Admonishment/Caution. (See enclosure (8) for example). A letter of admonishment/caution will:

(1) Specify the reasons for its issuance.

(2) State the letter will not be placed in the employee's Official Personnel Folder.

(3) State it will not be counted as a prior offense when determining a remedy for a subsequent offense.

3. Disciplinary Actions (See enclosure (4) for discussion)

a. Letter of Reprimand. (See enclosure (9) for example.) A letter of reprimand will:

(1) Specify the reasons for its issuance.

(2) State it will be made a matter of record in the employee's Official Personnel Folder for a period of one year from the date of the letter.

(3) Specify the employee's right to file a grievance under the appropriate procedure.

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(4) State that it may be counted as a prior offense when determining a remedy for a subsequent offense.

b. Suspensions of 14 Days or Less. An employee against whom a suspension of 14 days or less is proposed, is entitled to:

(1) An advance written notice stating:

(a) The specific reasons for the proposed action.

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

(c) The amount of time (10 days except for the Naval Hospital which is seven days) the employee is allowed to answer orally and in writing.

(d) The right of the employee or the employee's representative to review the material which is relied upon to support the reasons given in the notice.

(2) A copy of the material, if any, relied on to support the reasons given in the notice.

(3) A reasonable amount of official time to review the material relied upon to support the proposal and to prepare an answer and to secure affidavits, if the employee is otherwise in an active duty status.

(4) Ten days (except for the Naval Hospital which is seven days) to present an oral and/or written reply to the proposed action.

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

(6) A written decision, normally within 10 days, after expiration of time allowed for the response which:

(a) Considers only the reasons specified in the notice of proposed action.

(b) Specifies the reasons for the decision.

(c) Considers any answer of the employee and/or the employee's representative made to a designated official.

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(d) Is signed by an official in a higher position than the official who proposed the action (if the activity head signed the advance written notice, the next higher level of management in chain of command must sign the written decision).

(e) Specifies the employee's right to file a grievance under the appropriate grievance procedure.

(f) Is delivered to the employee prior to the effective date of the action.

(7) Employees in receipt of an advance notice may request, in writing, additional time to respond orally and/or in writing. The official designated to accept response may make a decision regarding such request.

(8) Employee representation is subject to challenge in accordance with paragraph 6 of this enclosure.

4. Adverse Actions

a. An employee against whom an adverse action is proposed, is entitled to:

(1) At least 30 days advance written notice (except in those cases where there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed), stating:

(a) The specific reasons for the proposed action.

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

(c) The number of days, but no less than 15 days, that the employee is allowed to answer orally and/or in writing.

(d) If appropriate, the basis of selecting a particular employee for furlough, when some, but not all employees in a given competitive level are being furloughed, and the reasons for the furlough.

(2) A copy of the material relied upon to support the reasons given in the notice.

(3) A reasonable amount of official time to review the material relied upon to support the proposal and to prepare an

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answer and to secure affidavits, if the employee is otherwise in an active duty status.

(4) At least 15 days to answer orally and/or in writing and to furnish affidavits and other documentary evidence in support of the answer, including medical documentation if the employee wishes the deciding official to consider any medical condition alleged to contribute to the reasons for the proposed action (except in those cases where there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed).

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

(6) A written notice of final decision, normally within 15 days after the expiration of the time allowed for the employee's response, which:

(a) Considers only the reasons specified in the notice of proposed action.

(b) Specifies the reasons for the decision.

(c) Considers any answer of the employee and/or the employee's representative made to a designated official and any medical documentation furnished under 4a(4) above.

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

(e) Specifies the employee's right of appeal to the MSPB and right, when applicable, to file a grievance under the appropriate negotiated grievance procedure, but not both.

(f) Provides the time limits for filing a grievance or an appeal to the MSPB, the address of the appropriate Board Office for filing the appeal, a copy of the Board's regulations, and a copy of the Board's appeal form.

(g) Is delivered to the employee on or before the time the action will be effective.

b. Since a hearing shall be made available at an employee's request after an action has been effected, a hearing in lieu of or in addition to the opportunity for written and oral answer will not be conducted.

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c. When the crime provision is invoked, activities may effect an action in less than 30 days following the advance written notice. Activities may require the employee to furnish any answer to the proposed action, affidavits, and other documentary evidence in support of the answer within such time as under the circumstances would be reasonable, but not less than seven days. When the circumstances require immediate action, the activity may place the employee in a nonduty status with pay for such time, not to exceed 10 days, as necessary to effect the action.

d. The advance written notice and opportunity to answer are not necessary for furlough without pay due to the unforeseen circumstances such as sudden breakdown of equipment, acts of God, or sudden emergencies requiring immediate curtailment of activities.

e. Employees in receipt of an advance notice may request additional time to respond orally and/or in writing. The official designated to accept the response may make a decision regarding such request.

f. Employee representation is subject to challenge in accordance with paragraph 6 of this enclosure.

5. Probationary, Excepted Appointment, and Indefinite Employees Serving a Trial Period, and Temporary Employees with less than One Year of Continuous Service. The procedures in paragraphs 1 through 4 above do not apply to these employees. Prior to initiating disciplinary or separation actions on such employees, the HRO (Employee and Labor Relations section) should be contacted as to the appropriate procedure. Those officials delegated authority to effect disciplinary actions in enclosure (3) are hereby delegated the authority to separate probationary, excepted appointment, and indefinite employees serving a trial period and temporary employees with less than one year of continuous service.

6. Expedited Procedure for Determining Choice of Representative

a. An employee's choice of an employee representative in any of the procedures described in this Order may be disallowed if such representative would result in a conflict of interest or position, conflict with the priority needs of the activity, or would give rise to unreasonable costs to the government. Such matters of dispute over employee representation will be decided by the level of official delegated authority in enclosure (3) to

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render a final written decision for the contemplated action. All such matters will be reviewed by the Employee and Labor Relations Superintendent, HRO, prior to referral to the official. Referral of the representation issue will be in writing.

b. An employee whose representative is disallowed may request a review of that decision by the immediate superior in command of the official who rendered the decision within five days of the disallowance determination.

c. The reviewing official will review the reasons for disallowance as well as information submitted by the employee and will make a final decision in writing within five days of the request.

d. Processing of the original action will be held in abeyance pending resolution of the representation issue.

ENCLOSURE (5)

GUIDELINE SCHEDULE OF DISCIPLINARY
OFFENSES AND RECOMMENDED REMEDIES

(Greater of Lesser Remedies may be Assessed Depending Upon
Circumstances)

INSTRUCTIONS FOR USE OF THE SCHEDULE

1. This schedule is not intended to cover every possible offense. Remedies for offenses not listed will be determined consistent with the guidelines contained herein.
2. When specifying an offense not listed on the schedule, the use of terms such as "theft" or "fraud," which require establishing the element of intent, should only be used when the element of intent can be proven.
3. Many of the items listed 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. Therefore, use only the items which describe the employee's actual conduct and leave out parts which do not apply.
4. Remedies for disciplinary offenses will, in general, range from the minimum to the maximum indicated. Depending on mitigating or aggravating factors, a remedy outside the general range may be imposed.
5. Suspension remedies on this schedule refer to calendar days.
6. In considering past offenses in determining a remedy, the following limitations must be observed:
 - a. Oral and written admonishments may not be counted as prior offenses in determining a range of remedies (however, they may be considered when determining an appropriate remedy within a range 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 one year before the date of the proposed notice of disciplinary or adverse action in which it is cited (otherwise, it may be considered when determining an appropriate remedy within a range for any subsequent offense);
 - c. In utilizing past offenses in determining a corrective action, the notice of proposed adverse action should cite specifically the past offense in sufficient detail to allow the

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employee to respond. Past offenses may only be counted if the employee was disciplined in writing, the employee had the right to dispute the action to a higher level, and the action was made a matter of record in the Official Personnel Folder.

d. 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.

7. 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), contact the Human Resources Office.

OFFENSE AND RANGE OF REMEDIES

RANGE OF REMEDIES

SCHEDULE OF OFFENSES AND RECOMMENDED REMEDIES

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
ALCOHOL ABUSE			
Unauthorized possession, sale or transfer of alcohol on duty or on a military ship, aircraft, or installation	14-day suspension to removal	30-day suspension to removal	Removal
Use of, or being under the influence of alcohol on duty or on a military ship, aircraft, or installation	14-day suspension to removal	30-day suspension to removal	Removal (R)
ATTENDANCE			
Excessive unauthorized absence (more than 5 consecutive workdays)	Reprimand to removal	10-day suspension to removal	Removal

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Leaving job to which assigned or Department of the Navy premises at any time during working hours without proper authorization	Reprimand to 5-day suspension	Reprimand to 10-day suspension	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, handicap, 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
Sexual harassment	Reprimand to removal	14-day suspension to removal	30-day suspension to removal

DRUG ABUSE

Unlawful use or possession of drugs or drug paraphernalia on or off duty	Reprimand to removal	Removal
Unlawful distribution, sale, or transfer of drugs or drug paraphernalia on or off duty	Removal	
Unlawful use or possession of drugs or drug paraphernalia on a military ship or aircraft	Removal	

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DRUG TESTING

Refusal to provide a urine sample when required	Reprimand to removal	Removal	
Substituting, adulterating or otherwise tampering with a urine sample, testing equipment or related paraphernalia	30-day suspension to removal	Removal	
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

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 (R) suspension to removal

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Disrespectful conduct, use of insulting, abusive or obscene language to or about other personnel	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
Falsification (or aiding or assisting in falsification) of time and attendance records or claims against the government	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Falsification, misstatement, or concealment of material fact in connection with any official record	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
False testimony or refusal to testify in an inquiry, investigation, or other official proceeding	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Loafing; wasting time; inattention to duty; sleeping on duty	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
Making threats to other employees or supervisor; fighting; engaging in dangerous horseplay	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
* Misuse of a Government vehicle	Reprimand to removal	30-day suspension to removal	Removal

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

MISCELLANEOUS OFFENSES

Reckless driving or improper operation of motor vehicle:

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Causing personal injury to self or others or damage to government property	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
No personal injury to self or others or damage to government property	Reprimand to 5-day suspension	Reprimand to 10-day suspension	14-day suspension to removal
Unauthorized possession, use, loss, or damage to government property or the property of others	Reprimand to removal	14-day suspension to removal	30-day suspension to removal

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
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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	10-day suspension to removal	14-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

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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 42 CFR Part 2 (CEAP records))	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
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ENCLOSURE (6)

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INVESTIGATION REPORT

1. FORMAT OF INVESTIGATION. The following format is suggested for investigation reports:

Employee: (Name, Title, and Organization)

Offense: (See Enclosure (6) Schedule)

Investigator: (Name, Title, Organization)

Ref: (a) BO 12752.1A

1. As required by the reference, the circumstances concerning the above cited offense(s) as related to the named employee has/have been investigated. The following information and facts were developed:

a. State the circumstances - include all information specifically and in detail, including times, dates, and places, specific instances, and other data sufficient to explain and support the offense(s) cited. Include any comments made by the employee, oral and/or written. If employee requests representation in connection with the investigation, include who was present during the questioning and when questioning was held. If written statements were made, they should be signed and forwarded with the investigation (the employee or the employee's designated representative will be provided a copy). If only oral statements were made, include a summary in the investigation. Check personnel record to establish violation as a first, second, or third infraction.

b. Complete the investigation and submit to the HRO for technical review with recommended action to be taken (paragraph 2, below).

SIGNATURE OF INVESTIGATOR

/s/

Date completed:

Telephone:

ENCLOSURE (7)

BO 12752.1A

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2. TRANSMITTAL OF INVESTIGATION REPORT. The completed investigation should be transmitted using the following format as appropriate:

From: (Title of person conducting investigation)

To: Human Resources Office Site Manager

Subj: REPORT OF INVESTIGATION, CASE OF (EMPLOYEE'S NAME AND TITLE)

Ref: (a) BO 12752.1A

Encl: (1) Subject investigation report

(2) Copy of letter of admonishment or reprimand (as appropriate)

1. In accordance with the provisions of the reference, an investigation was conducted by the undersigned regarding (state the offense) of/by the subject employee. In view of the circumstances and facts developed, as outlined in enclosure (1), it is considered that (state the remedy, i.e., removal from employment or suspension of _____ days) is warranted as the minimum corrective action which will be effective in this case. Accordingly, such action is recommended.

NOTE: (Enclosure 2 above, not appropriate in this case).

OR

1. In accordance with the provisions of the reference, an investigation was conducted by the undersigned regarding (state the offense) of/by the subject employee. In view of the circumstances and facts developed, as outlined in enclosure (1), it is considered that a letter of admonishment or reprimand (as appropriate) will constitute sufficient action. The letter will be issued upon review and approval of enclosure (2).

/s/

NOTE: In cases of suspension of 14 days or less or adverse actions, the HRO will draft the proposed action letter and submit it to the official authorized to propose the action for approval and issuance.

In cases of letter of admonishment or reprimand, the HRO will review the draft and return to the issuing supervisor as appropriate.

ENCLOSURE (7)

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SAMPLE LETTER OF ADMONISHMENT/CAUTION

From: Normally, the employee's immediate supervisor (one who approves leave and assigns performance ratings).

From: (Supervisor's Title)
To: (Name and Title)
Subj: LETTER OF ADMONISHMENT
Ref: (a) BO 12751.1A

Circumstance: Para 1. Be specific and detail as to what deficiencies in conduct are being brought to the employee's attention. Explain what is expected as acceptable standards of conduct and how the employee may improve.

1. On 22 March 1998, you attended a meeting with all the employees of your section in which the matter of leaving work sites dirty at the close of business was discussed. At this meeting, everyone was advised the supervisor would make daily inspections prior to the close of business to ensure all work sites were left in an orderly condition. During the inspection at 1625 on 28 March, you were informed your work site was not clean and should be taken care of before 1630. No further inspection was made on 28 March. At 0800 on 29 March, however, your work area was again inspected. At that time, it was noted the site was still dirty and it did not appear any effort had been made to clean it as instructed.

Admonish: Para 2. Explain what may there is a recurrence of the matter and the improvement expected. Offer assistance.

2. In accordance with the result if provisions of the reference, you are hereby admonished that any further occurrence of failure to carry out instructions of superiors may result in appropriate disciplinary action. You will be given reasonable assistance to improve. Special assistance will be given upon request.

Retention and Future Use: Para 3. Required in all letters of admonishment.

3. This letter is not considered to be a formal action and will not be included in your Official Personnel Folder. It will, however, be retained by your supervisor during its effective period and may be used in any future action(s) to describe a pattern of conduct. This letter will be automatically canceled one year from date of issuance.

ENCLOSURE (8)

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Grievance Rights: Para 4. Required in letters of Admonishment. Specify the appropriate procedure.

4. If you consider this admonishment improper, you may grieve through the procedures set forth in the (Navy grievance procedure or the negotiated grievance procedure, as appropriate). If you exercise this right, your grievance must be initiated within (15 to 21, as appropriate) calendar days from the date of receipt of this letter.

Signature: Person authorized to issue.

?s?

Certification of Deliver (On copy only): Obtain receipt or certify concerning delivery/mailing.

This is to certify that I received the original of this letter on this date.

(Signature)

(Date)

ENCLOSURE (8)

SAMPLE LETTER OF REPRIMAND

From: (Title)
To: (Name and Title)

Subj: REPRIMAND

Ref: (a) BO 12630.1J
(b) BO 12752.1A

CHARGE: Para 1. Cite specific reasons for issuance of reprimand (use parts of blanket statement in Guideline Schedule which describe actual misconduct). Be specific and detailed as to all circumstances. Cite all oral and written instructions violated.

Discussion: Para 1. Summarize discussion(s) with employee. Cite action employee was advised would be taken or recommended.

Decision: Para 2. Cite all information considered--show finding and decision on each charge.

1. You are hereby charged with unauthorized absence on 15 April 1998. You did not report for work on 15 April and did not advise your supervisor of the reason for your absence as required by reference (a). No information was received from you until you reported for work on 16 April. When this absence was discussed with you on 16 April, you stated that you asked your neighbor to call in for you, but he had apparently forgotten to do it. You were asked if you were familiar with the leave regulations outlined in reference (a), which state that annual leave must be requested and approved in advance or reported on the first day of such absence if required for an emergency. You stated that you knew what was required, but you thought your neighbor would take care of it.

2. The charge in paragraph 1 and your reply thereto have been carefully considered. The charge has been found to be supported by a preponderance of the evidence. It has, therefore, been decided that the charge is sustained and sufficient to warrant a reprimand. Accordingly, this letter

ENCLOSURE (9)

BO 12752.1A

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Grievance Rights: Para 3. Required in all reprimands. Specify appropriate grievance procedure.

Signature: Person authorized to issue letter.

Certification of Delivery (On copy only):
Obtain signed receipt or submit certification concerning delivery/ mailing and forward to HRO with one other copy.

constitutes a reprimand in accordance with reference (b) and will be made a matter of record in your Official Personnel Folder for a period of year. Future disciplinary offenses may result in a more severe remedy as warranted by circumstances.

3. If you consider this reprimand improper, you may grieve through the (Navy Grievance Procedure or negotiated grievance procedure, as appropriate). If you exercise this right, your grievance must be initiated within (15 or 21, as appropriate) calendar days from the date of receipt of this letter.

/s/

Copy to:
HRO (2)

This is to certify that I received the original of this letter on this date.

(Signature)

(Date)

ENCLOSURE (9)

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SAMPLE LETTER OF REQUIREMENT

From: Normally the supervisor who assigns performance appraisals and ratings. Must be reviewed by HRO prior to issuance.

From: (Title)
To: (Name and Title)

Subj: LETTER OF REQUIREMENT

Ref: (a) BO 12630.1J
(b) Negotiated Agreement as appropriate

Circumstances: Para 1. Explain fully as to what deficiencies in conduct or performance are being brought to the employee's attention. Note counseling given and date.

1. In reviewing your past applications for sick leave, it appears in some instances you have abused your sick leave privilege. Your leave record shows that in most cases your sick leave has been taken in intervals of from one to three days, which did not necessitate medical certification. From personal observations and reports from various sources, I am of the opinion that in many instances your sick leave was abused. On (date) this matter was discussed with you. You were advised orally on (date) that consideration was being given to requiring medical certification for each such absence since the abuse of sick leave was indicated.

Requirement: Para 2. Explain what is being required and what action may result if the requirement is not met.

2. Your sick leave record has not improved. Consequently, it has been determined that in accordance with the references, your future applications for sick leave must be supported by medical certification regardless of the length of such absence. Failure to provide medical certification for any absence because of illness may result in disciplinary action based on unauthorized absence.

ENCLOSURE (10)

Guidance: Para 3. Explain what is expected as acceptable standards of conduct or performance and how the employee may improve.

Retention and Future Use: Para 4. Required in all letters of requirement.

Grievance Rights: Para 5. Required in all letters of requirement. Specify which grievance procedure.

Signature: Person authorized to issue.

Certification of Delivery (On copy only:
Obtain signed receipt or submit certification.

3. It is to your benefit to correct any physical disability which may be causing recurrent absences. If you have any physical ailment of any kind, it is also to your benefit to have such condition medically corrected in order that your job may not be jeopardized by repeated absences. You are urged to attend to this matter promptly by consulting your private physician.

4. Although this letter is not considered to be a formal action and will not be included in your Official Personnel Folder, it will be retained by your supervisor during its effective period and may be used in any future actions to describe a pattern of conduct. This requirement will be rescinded in writing at such time as improvement in your sick leave record warrants.

5. You may grieve this action through the the (Navy grievance procedure or the negotiated grievance procedure, as appropriate).

/s/

Copy to:
HRO

This is to certify that I received the original of this letter on this date.

(Signature)

(Date)

ENCLOSURE (10)