



MCIEAST EEO: Schedule of Offenses and Recommended Remedies SECNAVIST 127152.1A

SECNAVIST 127152.1A established a schedule of offenses and recommended remedies to use as a guide to an Alternative Discipline System. Discipline is not punitive in nature, is expected to be progressive for subsequent offenses, and normally falls within the range shown in this enclosure or those established in the Alternative Discipline System. The remedy shall be the minimum that, in the judgment of the deciding official, can reasonably be expected to correct the affected employee and maintain discipline and morale among other employees. Mitigating or aggravating factors can justify a remedy outside the range cited herein. For example, remedies greater than those shown can be appropriate when the facts of an aggravated offense, frequent infractions, or simultaneous multiple offenses are established.

When sufficient mitigating factors exist, remedies lesser than those shown include informal actions such as counseling, oral admonishments, and letters of caution/requirement. Consistent with DON policy in this instruction, the schedule generally provides for a range of remedies, e.g., Reprimand to Removal, to provide management with flexibility in correcting conduct deficiencies. Selection of a reasonable remedy from such a broad range should be made with good judgment, including consideration of appropriate "Douglas Factors." Excessive, arbitrary, or capricious remedies and remedies selected without consideration of mitigating factors may be reversed by third parties if challenged.

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

Management officials should contact their servicing HRO or legal counsel for assistance in framing appropriate charges. Due to the nature of their positions, offenses by supervisors or managers may warrant more severe remedies than the same offense committed by a non-supervisory employee. All disciplinary actions are to be taken following the provisions of law.

All adverse action cases, whether based on off-duty or on-duty misconduct, require establishment of a nexus or link between the conduct and its effect upon the efficiency of the service. Nexus is normally assumed when the misconduct is sustained in on-duty misconduct cases. In taking adverse actions for off-duty misconduct, the deciding official must show, by preponderant evidence, that the adverse action will promote the efficiency of the service by establishing a nexus between the off-duty misconduct and the employee's or activity's performance. The activity should not rely on a presumption of nexus but should make its strongest possible argument, introduce evidence showing the relationship between the misconduct and the employee's or activity's performance.

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

For more information or to view the full SECNAVIST 127152.1A, go the MCIEAST-MCB CAMLEJ Adjutant's website at <https://www.mcieast.marines.mil/Staff-Offices/Adjutant/Orders/12000/>.

Note: This handout is an excerpt of SECNAVIINST 127152.1A in compliance with MD-715, Essential Element C (Management and Program Accountability), Item C.5.a. IAW 29 CFR § 1614.102(a)(6).

3 May 16

SCHEDULE OF OFFENSES AND RECOMMENDED REMEDIES

ALCOHOL ABUSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Unauthorized possession, sale, or transfer of alcohol on duty or on a military ship, aircraft, submarine, activity, or command	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
* Use of, or being under the influence of alcohol on duty or on a military ship, aircraft, submarine, activity, or command	14-day suspension to removal	30-day suspension to removal	Removal
ATTENDANCE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Excessive unauthorized absence (more than 5 consecutive workdays)	Reprimand to removal	10-day suspension to removal	Removal
Leaving job to which assigned or leaving DON premises at any time during working hours without proper authorization	Reprimand to 5-day suspension	Reprimand to 10-day suspension	Reprimand to removal
Unauthorized absence of 5 or less scheduled workdays 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

3 May 16

CONDITIONS OF EMPLOYMENT	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
** Failure to obtain or maintain eligibility for security clearance; access to classified information; or eligibility to occupy a sensitive position	Removal		
Failure (or delay) to obtain or maintain certification or license	Reprimand to Removal	5-day suspension to removal	14-day suspension to removal
DISCRIMINATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Discrimination against an employee or applicant based on race, color, religion, sex, disability, national origin, or age, or any reprisal or retaliation action against a complainant, representative, witness, or other person involved in the EEO complaint process	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Discrimination based on sexual orientation	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Sexual harassment	Reprimand to removal	14-day suspension to removal	30-day suspension to removal

3 May 16

DRUG ABUSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
*** Unlawful use, being under the influence, or possession of drugs or drug paraphernalia on or off duty	14-day suspension to removal	Removal	
**** Unlawful use, being under the influence, or possession of drugs or drug paraphernalia on a military ship, aircraft, or submarine	30-day suspension to removal	Removal	
Refusal to obtain counseling and rehabilitation after having been found to use drugs illegally	Reprimand to removal	Removal	
Unlawful distribution, sale, or transfer of drugs or drug paraphernalia on or off duty	Removal		
DRUG TESTING	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Refusal to provide a urine sample when required	14-day suspension to removal	Removal	
Failure to appear for testing when directed, without a deferral	Reprimand to removal	Removal	

3 May 16

Substituting, adulterating, or otherwise tampering with a urine sample, testing equipment, or related paraphernalia	14-day suspension to removal	Removal	
MISCELLANEOUS OFFENSES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Betting, gambling, or the promotion thereof on duty or on DON premises	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Careless workmanship resulting in delay in production or spoilage or waste of materials	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Criminal, dishonest, infamous, or notoriously disgraceful conduct	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Disobedience to constituted authorities; deliberate refusal or failure or delay in carrying out any proper order, work assignment, or instruction; insubordination, including failure to follow local or higher level policy	Reprimand to removal	5-day suspension to removal	10-day suspension to removal

3 May 16

Discourteous conduct to the public supported by a supervisor's report of four such instances within any 1-year period or any other pattern of discourteous conduct	Reprimand to 14-day suspension	1-day suspension to 14-day suspension	14-day suspension to removal
Excessive discourteous conduct to the public within any 1-year period or any other pattern of discourteous conduct	1-day suspension to 14-day suspension	7-day suspension to 30-day suspension	14-day suspension to removal
Disrespectful conduct, use of insulting, abusive, or obscene language to or about other personnel	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Falsification (or aiding or assisting in falsification) of time and attendance records or claims against the government	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Attempted or actual 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

3 May 16

Loafing, wasting time, inattention to duty or sleeping on duty	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
Making threats to other employees or supervisor; fighting; engaging in dangerous horseplay	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
MISUSE OR UNAUTHORIZED USE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
***** Misuse of a Government Owned Vehicle (GOV)	Reprimand to removal	30-day suspension to removal	Removal
***** Unauthorized possession, use, loss, theft or damage to Government property or the property of others	See comment at end of table		
Misuse of Government equipment, e.g., unauthorized use of electronic mail, internet, phones, or facsimile equipment	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Misuse of Government sponsored travel charge card, e.g., use for unauthorized personal expenses, failure to pay charge card bill in a timely manner, or failure to use card for authorized expenses arising from official travel	Reprimand to removal	5-day suspension to removal	10-day suspension to removal

3 May 16

Unauthorized use of or failure to appropriately monitor use of Government purchase card	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
PROHIBITED PERSONNEL PRACTICE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Committing a prohibited personnel practice (see 5 U.S.C. 2302)	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
SAFETY	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
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): SEE BELOW			
Causing injury to self or others or damage to property or endangering the safety of self or others	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
No injury or property damage; not endangering the safety of self or others	Reprimand to 5-day suspension	Reprimand to 10-day suspension	Reprimand to removal

3 May 16

TEXTING, OPERATING GPS DEVICE, OR USING PHONE WITHOUT HANDS-FREE DEVICE WHILE DRIVING (ON BASE, OR OFF BASE WHILE ON DUTY IN A GOV: SEE BELOW			
Causing injury to self or others or damage to property or endangering the safety of self or others	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
No injury or property damage; not endangering the safety of self or others	Reprimand to 5-day suspension	Reprimand to 10-day suspension	Reprimand to removal
SECURITY	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
FAILURE TO SAFEGUARD CLASSIFIED MATERIAL: SEE BELOW			
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

3 May 16

UNAUTHORIZED DISCLOSURE OR USE OF PROTECTED MATERIAL	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Unauthorized disclosure or use of information or other protected material, e.g., records covered by the Privacy Act, records under 42 CFR 2 (CEAP), or records under 45 CFR 164 (Health Insurance Portability and Accountability Act) for health care providers	Reprimand to removal	14-day suspension to removal	30-day suspension to removal