

# 3 FAM 4540

## LIST OF OFFENSES SUBJECT TO DISCIPLINARY ACTION - CIVIL SERVICE

(TL:PER-410; 08-02-2001)

### 3 FAM 4541 GENERAL

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

*The purpose of the table in 3 FAM 4542 below is to advise employees, supervisors and managers of some of the types of employee behavior that can result in formal disciplinary action. The range of "possible" penalties is intended to serve as a general guideline based on mitigating or aggravating factors. No attempt has been made to list every possible punishable offense. The more common types of offenses experienced Government-wide are listed. Some offenses have been included mainly as a reminder that the particular behavior is to be avoided. The fact that an offense is not listed does not mean that a penalty cannot be imposed if the offense is committed.*

### 3 FAM 4542 LIST OF DISCIPLINARY OFFENSES AND PENALTIES

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

Penalties, mentioned below, will generally fall within the range of a Letter of Reprimand to Removal, except where indicated.

Nature of Offenses	Penalties
<b>Relationship With Public</b>	
1. Failure to obtain any required clearance of speech or article involving matters of official concern. (See 3 FAM 4100 Appendix A).	
2. Discourteous conduct to the public confirmed by an immediate supervisor's report of four such	

instances within a one-year period (5 U.S.C. 7503(a)).	
<b>Security Regulations</b>	
3. Commission of a security infractions or violation (see 12 FAM 550).	
4. Violations of security regulations, guidelines, or instructions such as unauthorized disclosure or exposure of classified/administratively-controlled information, improper handling of classified/administratively controlled information.	
<b>Outside Employment &amp; Interests</b>	
5. Engaging in private business activities of a prohibited or unethical nature.	
6. Accepting of improper dual employment or dual compensation by the U.S. Government.	
7. Solicitation or acceptance by an employee of gratuity or gift which might reasonably be interpreted as tending to influence the performance of official duties.	
8. Violation of regulations relating to acceptance of gifts and decorations from foreign governments (3 FAM 4122).	
9. Engaging, directly or indirectly, in financial or other transactions, which create real or apparent conflicts of interest.	
<b>Political Activity</b>	
10. Improper political activity (5 U.S.C. 7321, et seq.).	Suspension or removal
<b>*Attendance Related</b>	
11. Unexcused or unauthorized absence from the job during working hours or on any	

scheduled day of work (AWOL).	
12. A <b>pattern</b> of frequent lateness for duty (excessive tardiness).	
13. Improper use of sick leave.	

\*Penalty depends on length and frequency of absences. Removal may be appropriate for a first or second offense if the absence is prolonged.

<b>Conduct On the Job</b>	
14. Intoxication caused by alcohol or other drugs.	
15. Disruptive behavior, fighting, threatening or attempting to inflict bodily injury to another, engaging in dangerous horseplay, use of abusive or obscene language to or about another person, creating a disturbance which adversely affects efficiency or which reflects unfavorably on the agency.	
16. Making false or unfounded statements concerning another officer or employee of the Government.	
17 Safety (non-motor vehicle): violations of safety regulations, instructions or prescribed safe practices, including failure to report accident or injury.	
18. Safety (Government motor vehicle operation): violation of traffic laws, safety regulations or instructions, or safe driving practices, including failure to report accident or injury.	
19. U.S. Government Property:	
a. Willful or negligent damage or defacement.	
b. Willful misuse of or allowing the use of U.S. Government motor vehicles, aircraft, or watercraft for other than official purposes.	30-day suspension to removal (31 U.S.C. 1349(b))
20. Act of negligence or carelessness in performance of duty resulting in waste of public	

funds or inefficiency.	
21. Use or allowing uses of U.S. Government funds, property, or other resources for unofficial purposes or for private benefit.	
22. Conducting personal affairs while in duty status, which negatively impacts on the efficiency of the Service.	
23. Sleeping, loafing, or willful idleness while on duty.	
24. Unauthorized maintenance or use of slush funds, gift funds, or other funds, which are undisclosed or unaccounted for.	
25. Failure to follow proper instructions.	
26. Insubordination.	
27. Misuse of U.S. Government credentials, diplomatic or official passports.	
28. Misuse of U.S. Government sponsored or issued credit cards.	
29. Improper use of official authority or information.	
30. Acceptance of voluntary services for U.S. Government contrary to statute.	Appropriate administrative discipline including, when circumstances warrant, suspension without pay or removal (31 U.S.C. 1349(a)).
31. Use or attempted use of influence or pressure to secure favor in appointment, transfer, advancement or retention of a relative in the agency.	
32. Violation of the "no strike" affidavit.	Removal
33. Violation of merit principles or procedures with a demonstrable adverse effect on one or more persons.	
34. Harassing, threatening, or taking reprisal action against an	

employee as a result of or in anticipation of a grievance, appeals, complaint, or other exercise of rights.	
35. Misappropriation or misapplication of funds (see e.g., 31 U.S.C. 1341 or 31 U.S.C. 1301).	Appropriate administrative discipline including, when circumstances warrant, suspension without pay or removal. (See for example, 31 U.S.C. 1349.)
36. Gifts to official supervisors — soliciting contributions for gifts or presents to those in superior official positions, accepting gifts or presents from Government employees receiving lower salaries, or making donations as a gift or present to official supervisors. (Exception: This does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, retirement, or transfer. (22 CFR 10.735-202(e).	Removal (required by 5 U.S.C. 7351).
<b>Personal Conduct or Character</b>	
37. Misconduct general — immoral, indecent, unethical, criminal, infamous, dishonest or notoriously disgraceful conduct.	
38. Fraud (misrepresentation, falsification, or willful omission of material fact in connection with application, employment, or any record, report, investigation, or other proceeding).	
38. Conduct demonstrating untrustworthiness, unreliability or use of poor judgment.	
40. Discrimination*	
* As used in this table, discrimination refers to a specific act taken by an employee in the performance of his or her official duties, which discriminates against one or more individuals on the basis of race, sex, religion, color, age, national origin, handicapping condition, marital status, political affiliation, or sexual orientation.	
41. Refusal to answer appropriate interrogation or otherwise cooperate in properly authorized inquiry.	

42. Failure to pay a just financial obligation(s) in a proper and timely manner.	
43. Violation of laws, regulations, or policies relative to possession, use, or transportation of firearms or other dangerous weapons.	
<b>Miscellaneous Offenses</b>	
44. Violation of any administrative regulations which do not provide a penalty.	

### **3 FAM 4543 THROUGH 4549 UNASSIGNED**