

Appendix 4
draft revision Feb 1999

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>
1. ABSENCE WITHOUT LEAVE (AWOL) is an absence from duty which is not authorized or for which a request for leave has been denied:		
(a) TARDINESS – Reporting late for work, training meetings, etc, or returning late from lunch, class, meetings, etc.	written reprimand to 14 day suspension	1 day suspension to removal
(b) MISAPPLICATION OF TIME – Unexcused absence from the work area during the employee's scheduled tour of duty.	written reprimand to 14 day suspension	1 day suspension to removal
(c) LEAVE VIOLATIONS		
(1) Failure to request and obtain approval for leave according to established procedures.	written reprimand to 14 day suspension	1 day suspension to removal
(2) Falsification to any type of leave record for oneself or another employee.	7 day suspension to removal	removal
(3) IMPROPER USE OF SICK LEAVE (for other than personal illness, doctor appointments or quarantine as appropriate or necessary)	written reprimand to 7 day suspension	7 day suspension to removal
2. LOAFING, WASTING TIME, or SLEEPING on DUTY:		
(a) When hazard to personnel or property is not acute, or when no injury or loss is involved.	written reprimand to 7 day suspension	1 day suspension to removal
(b) When hazard to personnel or property is acute or when there has been injury or significant property loss.	written reprimand to removal	14 day suspension to removal
3. Insubordination, refusal to comply with proper orders, or disregard of directives or regulations. Refusing to do assigned work; failure to do assigned work; carelessness in performing assigned work.	written reprimand to 14 day suspension	5 day suspension to removal
5. FAILURE TO OBSERVE SAFETY PRACTICES:		
(a) including failure to use safety equipment such as seat belts, eye protection devices, and protective hearing devices.	written reprimand to removal	5 day suspension to removal
(b) Violations of any safety instructions, or failure to use protective clothing or equipment.	written reprimand to 7 day suspension	14 day suspension to removal
6. Disregard of posted rules or official signs	written reprimand to 7 day suspension	14 day suspension to removal
7. (a) LOSS OR DAMAGE TO, OR UNAUTHORIZED USE OR DESTRUCTION of government property, records, or information, including any unauthorized disclosure of records, privacy act information, or other information.	5 day suspension to removal	removal
(b) Misuse of the Internet in violation of the DOI Internet Use Policy dated 5/23/97 or successor policies (see notes); misuse of electronic mail; visiting websites or downloading material from the internet during duty time for non-official use; sending electronic mail for unauthorized purposes.	written reprimand to 5-day suspension	written reprimand to removal
(c) Misuse of Internet by sending or downloading obscene or sexually related materials over the e-mail, or visiting obscene web sites using government assets.	14 day suspension to removal	removal

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8.	(a) Taking government equipment; taking government funds; using a co-worker's personal property without permission; taking money from another; stealing; improper acceptance of reimbursement for such things as per diem, mileage, and airplane tickets, using a government credit card for personal purchases; using frequent flier miles accumulated on official travel for personal use.	written reprimand to removal	14 day suspension to removal.
	(b) Use of the GSA government credit card for other than expenses incurred on official business, or allowing another person to use the card assigned to the employee.	written reprimand to removal	14 day suspension to removal
	(c) Failure to keep account current with card issuer after being reimbursed for travel expenses.	reprimand to 5 day suspension	14 day suspension to removal
9.	USING a GOVERNMENT VEHICLE including automobiles, boats, snow machines, etc., for personal business or unauthorized purposes.	written reprimand to 14 day suspension (see note on 31 USC 1349(b))	5 day suspension to removal
10.	(a) CARELESS USE OF GOVERNMENT PROPERTY, resulting in possible or actual minimum damage and minor disruption of mission.	written reprimand to 5 day suspension	5 day suspension to removal
	(b) When possible or actual major damage to government property is involved, with significant mission disruption or actual danger to the lives or well being of employees, or others.	written reprimand to removal	5 day suspension to removal
11.	Failure to honor just debts or obligations without	official reprimand	1 day suspension to removal
12.	Participation in or promoting gambling or betting while on duty for the Government.	written reprimand to removal	14 day suspension to removal
15.	Disorderly conduct, fighting, threatening or attempting to inflict bodily injury to another, or engaging in dangerous horse-play.	written reprimand to removal	14 day suspension to removal
16.	DISRESPECTFUL CONDUCT		
	(a) Quarrelling or inviting other to quarrel, use of insulting, abusive, or obscene language to or about other employees.	written reprimand to 7 day suspension	14 day suspension to removal
	(b) Discourteous conduct towards the public: verbal, non-verbal, or in writing	written reprimand to 7 day suspension	14 day suspension to removal
	(c) Making false, malicious, unfounded, or irresponsible statements against other employees, supervisors, other officials, or subordinates which destroy or damage the reputation, authority, or official standing of those concerned.	written reprimand to removal	14 day suspension to removal
	(d) Resisting competent authority.	written reprimand to removal	14 day suspension to removal
17.	CONDUCT UNBECOMING a FEDERAL EMPLOYEE consisting of criminal, dishonest, infamous, indecent, or notoriously disgraceful conduct.	7 day suspension to removal	14 day suspension to removal
18.	DELIBERATE MISREPRESENTATION, falsification, misstatement, exaggeration, or concealment of material fact in connection with employment, promotion, travel voucher, financial disclosure statements, time and attendance records, any record investigation, or other proper proceeding or official document.	7 day suspension to removal	14 day suspension to removal
19.	Aiding or assisting in prosecution of claims against the U.S., or receiving gratuity, or any share of, or interest in claim from any claimant otherwise than in discharge of proper official duties.	7 day suspension to removal	14 day suspension to removal

	<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>
20.	ILLEGAL DRUGS: (a) Use or possession on government premises or while on duty (b) Selling of illegal drugs (see notes) on government premises or while on duty (c) Violation of the Departmental Drug Free Workplace policy including possession or use of illegal drugs, positive drug test results, declining to provide, falsifying or tampering with specimen for drug testing, or other finding of illegal drug use as defined in 370 DM 792 (see notes)	written reprimand to 14 day suspension removal 5 day suspension to removal	7 day suspension to removal removal
21.	PROHIBITED IMPROPER DISCRIMINATORY PRACTICE in any aspect of employment or application for employment. Includes failure to prevent or curtail discrimination of a subordinate when the supervisor knew or should have known of the conduct proscribed by anti-discrimination statutes and/or the Department's policy on Zero Tolerance of Discrimination of 2/10/97 or as amended. (see notes)	1 day suspension to removal	14 day suspension to removal
22.	MISCONDUCT OF A SEXUAL NATURE that includes, but is not limited to unwelcome sexual remarks, offensive jokes, offensive sexual banter, unwelcome physical touching, unwanted sexual advances.	1 day suspension to removal	14 day suspension to removal
23.	Violations of ethics regulations and statutes applicable to Federal employees (Standards of Conduct); violations of the Hatch Act; failure to file a correct Financial Disclosure Statement when required.	1 day suspension to removal	14 day suspension to removal
24.	Conducting personal business while on duty, including unauthorized canvassing, soliciting, or peddling on premises.	reprimand to 7 day suspension	7 day suspension to removal
25.	Failure to assess a penalty when the facts are known and warrant disciplinary action.	reprimand to 14 day suspension	14 day suspension to removal
26.	Use of BIA identification to coerce, intimidate, or deceive another party (includes cards, badges, or any Bureau credentials).	7 day suspension to removal	14 day suspension to removal
27.	Soliciting or accepting directly or indirectly any gift, gratuity, favor, entertainment, food, lodging, loan, or other things of monetary value, from an individual or organization which has or is seeking business or financial relations with the BIA, or which has interests which may be substantially affected by the performance of that employee's duties.	written reprimand to removal	14 day suspension to removal
28.	Violations of ethics regulations and statutes applicable to Federal employees (Standards of Conduct); violations of the Hatch Act; failure to file a correct Financial Disclosure Statement when required.	1 day suspension to removal	14 day suspension to removal
29.	Violation of tribal trust, when the breach results in the release of sensitive information to unauthorized sources or until there is evidence of a compromise of Bureau information.	1 to 14 day suspension	7 day suspension to removal
30.	Corporal punishment, battery committed against any person subject to BIA employee control.	14 day suspension to removal	removal
31.	Unofficial use of franked mail or official stationery.	written reprimand to 14 day suspension	14 day suspension to removal

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FIRST OFFENSE

SECOND OFFENSE

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| 31. | Failure to respond to or cooperate with EEO investigations, Office of Special Counsel inquiries or other administrative inquiries; failure to provide requested documents. | reprimand to removal | 7 day suspension to removal |
| 32. | Supervisor's failure to properly establish performance standards for all subordinate employees. | reprimand to 7 day suspension | 14 day suspension to removal |
| 33. | Supervisor's failure to carry out requirements of 44 BIA 430 within 120 days of the end of the rating period. | written reprimand to 5 day suspension | 5 to 30 day suspension |
| 34. | (a) Committing a prohibited personnel practice or unfair labor practice. | reprimand to 14 day suspension | 5 day suspension to removal |
| | (b) If the violation was intentional. | removal | |

C. Discipline encourages both supervisors and employees to maximize use of motivators in securing maximum employee contributions to the accomplishment of the Bureau's mission. Motivators such as recognition, training and counseling are among the tools available and are dealt with in other directives.

D. Every effort must be made to ensure the confidential nature of disciplinary actions. Interviews and inquiries are conducted privately and in such a manner as to minimize personal embarrassment. The minimum number of persons possible, consistent with the need for fact gathering and internal coordination, are involved in or made party to the action. Information relating to such actions may not be routinely made available to parties not affected by the actions without the written consent of the employee involved. No employee may request adverse or disciplinary action against another employee as a remedy under BIA appellate procedures.

E. A management official cannot request that the employee resign or retire to keep from being disciplined, nor should the official imply that a resignation or retirement would result in a clear record. A resignation or retirement obtained by such means may be found to be involuntary and reversed and therefore subject to adverse action procedures.

1.6 Practice. Primary emphasis is placed upon preventing situations that require disciplinary actions through effective employee-management relations. The objective of disciplinary action is to correct, not to punish, the employee. When justified, disciplinary actions are to be promptly initiated in accordance with the policy and procedures outlined herein. Disciplinary action must be based on cause and be consistent with laws and regulations governing such actions. Except when required by statute, disciplinary action may not be taken against an employee for (partisan) political reasons or marital status. Disciplinary action may not be taken against an employee based on discrimination because of age, sex, race, religion, color, or national origin; nor because of physical handicap; nor because of an employee's membership or non-membership in a labor union. Formal disciplinary or adverse action (i.e.; letter of reprimand, suspension, demotion, reassignment or removal) should be taken when other corrective actions such as closer supervision, on the job training, admonition or oral reprimand have been unsuccessful. Constructive discipline must be timely or its effect will diminish in proportion to the amount of time elapsed between the offense and the corrective action.

Table I. Conduct and Discipline Guide, cites examples of conduct which can be considered cause for discipline. See Table I at the end of manual.

1.7 Code of Ethics for Government Service. The revised requirements and procedures for DOI employee responsibilities and conduct are set forth in 43 CFR 20.735 (Federal Register, Vol. 46, No. 230, dated December 1, 1981).

1. INTRODUCTION

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- .1 Remedial Actions
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Subchapter II. Employee Responsibilities

2.1 General. An employee's conduct on the job has a direct bearing on the efficient, economical and effective accomplishment of official duties and responsibilities. Each employee's on the job conduct affects co-workers' attitudes and work; hence, all employees are expected to approach their work in a business like manner and maintain that attitude throughout the workday. Public attitude toward federal service and the BIA is influenced by the manner in which employees serve and the way they conduct themselves before the public.

2.2 Employee's Responsibilities. Each employee is responsible for conduct that will reflect credit on the Federal Government and the BIA, therefore; BIA employees shall observe the following rules of conduct:

- A. Report for work on time and in a condition which will permit the performance of assigned duties, i.e., in appropriate clothing, with required tools or equipment, and in a mentally alert, and physically fit condition.
- B. Render full, efficient, and industrious service in the performance of assigned duties. If insufficient work is assigned, the employee is expected to notify the supervisor so that additional work may be assigned.
- C. Respond promptly to directions and instructions received from the supervisor.
- D. Exercise courtesy and tact in dealing with co-workers and the public.
- E. Maintain a clean and neat personal appearance as well as work area to the maximum practicable extent during working hours.
- F. Conserve and protect federal funds, property, equipment, energy and materials.
- G. Observe the various laws, rules, regulations and other authoritative instructions brought to an employee's attention by BIA authorities.

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H. Accept responsibility for taking an active part in the BIA mission by using the Employee Suggestion System and offering cost reduction ideas, as well as reporting unsatisfactory conditions to proper levels of management.

I. Uphold with integrity the public trust in the assigned position.

2.3 Supervisor's Responsibilities. Supervisors are responsible for assuring that each of their employees is provided with a personal copy of the DOI Regulations, Part 20, DM 735 Employee Responsibilities and Conduct, and for annual recognition of those standards of conduct. Supervisors must maintain written evidence that the employees were made aware of these regulations and the date that this function was performed. Supervisors are expected to:

A. Provide positive leadership; set an example for their employees and instill in their subordinates a sense of loyalty, teamwork and responsibility.

B. Provide advice and assistance to individual employees who are in doubt as to whether a particular action is consistent with the expected standards of conduct.

C. Treat all employees under their supervision in a fair and equitable manner, demonstrating proper regard for the dignity of their subordinates.

2.4 Personnel Office Operations and Responsibilities. Personnel Management is responsible for the implementation and modification of procedures to:

A. Assure that each new employee is provided with a personal copy of and understands DOI Regulations, Part 20, DM 735, Employee Responsibilities and Conduct.

B. Ensure that supervisors call employees attention to those regulations annually.

C. Provide support and assistance to managers and supervisors in implementing the Conduct and Discipline Guide (Table I). See Table I at the end of the manual.

D. Provide management and employees with advice and assistance.

E. Define and interpret procedures and regulations as inquiries arise.

Subchapter III. Ethical and Other Conduct and Responsibilities

3.1 Safeguarding and Use of Information, Documents and Records. Employees shall not disclose or discuss classified or "For Official Use Only" information unless specifically authorized to do so or except as required on a "need-to-know" basis in the proper discharge of official duties. In addition, employees shall not:

A. Divulge any official information, obtained through or in connection with their government employment, to any unauthorized person or organization.

B. Release any official information, obtained through or in connection with their government employment, to any unauthorized person or organization.

C. Make use of, or permit others to make use of, any official information for private purposes which is not available to the general public.

D. Remove official documents or records from the files for personal reasons (the willing and unlawful falsification, concealment, mutilation or unauthorized removal of official documents or records is prohibited by law 18 U.S.C. 2071, Table III).

E. Fail or refuse to respond promptly and courteously to requests from a member of the public for information generally available to the public.

3.2 Safeguarding Public Funds. All employees whose duties concern the expenditure of public funds are expected to have knowledge of and observe all applicable legal requirements and restrictions. Summaries of the penalty provisions of some of the more important laws relating to the misuse of Federal funds are contained in Table I. (See table I at the end of the manual). For example, drastic penalties are imposed for knowingly and willfully, making or presenting a false, fictitious, or fraudulent claim; entering into an agreement or conspiracy to defraud the government by obtaining or aiding to obtain the payment or allowance of a false or fraudulent claim. An employee found to have committed any such act may be removed from the federal service.

3.3 Use of Federal Equipment, Property and Manpower. Employees may not use or permit others to use federal equipment, property or manpower, such as stenographic and typing assistance, duplicating services, or chauffeur services, for other than official business or officially approved or sponsored activities. Specific statutory penalties are prescribed for the willful use of Government-owned or leased motor vehicles or aircraft for other than official purposes (31 U.S.C 628a) and the use of official envelopes or labels for private purposes to avoid payment of postage (18 U.S.C 1719, see Table III at the end of the chapter).

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A. Government telephones are provided for conducting official business only and should not be used for making or receiving personal calls except in cases of emergency.

B. Employees are not permitted to receive personal mail at their place of employment and should have it directed elsewhere.

3.4 Observing Safety Regulations. All employees are expected to observe all rules, signs, and instructions relating to personal safety. In addition to avoiding accidents, employees are expected to report potential accident and fire hazards to the proper officials and to cooperate fully with the safety officer to assure that the safety of persons or property is not endangered. Willful non observance of the governing safety regulations described below constitute grounds for disciplinary actions:

A. Failure to report an accident involving injury to persons or damage to property or equipment.

B. Failure to use protective clothing or equipment.

C. Endangering the safety of or causing injury to personnel or damaging property or equipment through negligence.

3.5 Canvassing, Soliciting, or Selling. Employees are not permitted to engage in private activities for personal gain or any other unauthorized purpose while on government property.

A. This prohibition applies specifically to such activities as:

(1) Canvassing, soliciting, or selling goods or services for personal monetary gain, such as: cosmetics, diet plans and reducing aids, box lunches, plastic household items, raffle tickets, household cleaning products, vitamins, jewelry, household decorating items, etc.

(2) Promoting group buying when such action could reasonably be interpreted as involving the improper use of federal facilities and manpower.

(3) Canvassing or soliciting membership, except as authorized in connection with organized employee groups.

(4) Soliciting contributions from other employees for a gift to anyone in a superior official position in contravention of law (5 U.S.C. 7351, Table III). This prohibited activity applies on or off government premises.

(5) Bureau employees are also prohibited from having an interest or concern in any trade with Indians except for, and on account of the United States (25 U.S.C. 68, exceptions to this law is also provided in 25 CFR 251.5, and 121.25).

B. This prohibition does not apply to:

(1) Those activities which have been specifically authorized by appropriate authority.

(2) Soliciting contributions for charitable, health, welfare, and similar organizations as authorized by appropriate authority.

(3) Collecting contributions for group immunization programs conducted for the benefit of employees.

(4) Those activities of voluntary groups of federal employees which are of the type commonly accepted as normal social, welfare, or recreational functions of such groups.

(5) A spontaneous, voluntary collection for an employee who is being married, retired, separated or is ill, or as an expression of condolence when conducted by co-workers of approximately equal status to the employee.

3.6 Unauthorized Absence. Employees are required to request and obtain approval for all absences from duty (including leave without pay). An absence which is not approved will be charged as absence without leave (AWOL). In addition, disciplinary action may be taken if the circumstances warrant such action (See Table I at the end of the manual). AWOL should be reported and certified in accordance with the procedures set forth in 35 BIAM 4.4. Supervisors are responsible for documenting, recording and certifying any periods of AWOL for employees under their supervision. Time attendance administration will be dealt with in detail under a separate issuance.

3.7 Giving Testimony.

A. It is the duty of every officer and employee of the BIA to give to the appropriate authorities (or authorized representatives conducting official investigations) all information and testimony about all matters of inquiry arising under the laws, rules, and regulations administered by the BIA. Release of information is subject to the regulations of the Privacy Act of 1974.

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(1) When directed by an appropriate authority an employee shall take an oath or make an affirmation about his/her testimony or written statement before an officer authorized by law to administer oaths. The employee shall sign his/her name to a transcript of testimony or a written statement which he/she provided.

(2) Refusal of any officer or employee to testify or provide information pertinent to matters under investigation or inquiry may result in removal from office or employment, unless the employee validly invokes his privilege against self-incrimination.

B. All employees are expected to give information fully in response to requests received from Congress, General Accounting Office, or other duly authorized investigative bodies and to other Federal Agencies regarding matters under their jurisdiction. It is BIA policy to cooperate with such bodies in the public interest. Employees should notify their supervisors of any such request.

3.8 Borrowing and Lending Money. Employees may not borrow money from subordinates or have a subordinate act as an endorser or co-maker of a note given as security for a personal loan. Neither may an employee loan money to fellow employees for the purpose of monetary profit. Such conduct will be subject to disciplinary action. These prohibitions do not apply to the operations of recognized credit unions or to employee welfare plans.

3.9 Accepting Notarial Fees. An employee who is also a notary public may not charge or receive fees for performing notarial acts in connection with his official duties. Neither may such an employee charge or receive a fee for performing a notarial act for any person during official duty hours or lunch periods. The prohibition on acceptance of fees does not apply to notarial acts performed in an official capacity during off-duty and off government-controlled property.

3.10 Letters and Petitions to Congress. The use of appropriated funds to influence the consideration of legislation is prohibited by statute (18 U.S.C. 1913). On the other hand, the right of employees, either individually or collectively, to petition Congress or any member thereof, or to furnish information to any committee or member of Congress is provided by law (5 U.S.C. 7102). Letters to Congress, as well as petitions and other communications, are covered by this provision. While the BIA desires that employees seek to resolve any problem or grievance within the Bureau, any employee exercising his/her constitutional right to correspond with a member of Congress shall be free from restraint, reprisal or coercion. Nevertheless, employees may not use Bureau facilities or duty time in writing about personal business to anyone, including any committee or member of Congress.

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3.11 Prohibited Substances. Employees on duty may not possess, use, consume, offer for sale, sell, or be under the influence of alcoholic beverages, drugs, or other substances, the possession or use of which is unlawful or the use of which adversely affects the user's performance or conduct, or reflects adversely on the public service. Employees off duty also may not possess, use, consume, offer for sale, sell or be under the influence of unlawful drugs or other substances, the possession or use of which reflects adversely on the public service. (See Table I at the end of the manual). The Bureau offers provisions for an Employee Counseling Assistance Program in which the participants are placed under the auspices of the Department Medical Officer.

Employees using drugs prescribed by a physician that adversely affect performance or conduct should make this fact known to their supervisors. Such employees would not normally be subject to disciplinary procedures. When necessary, they may be granted leave for the duration of such use or temporarily assigned to positions where the use of drugs will not interfere with the safe and efficient performance of normal duties.

3.12 Defamatory or Irresponsible Statements. Agency policies encourage freedom of expression. However, employees are accountable for the statements they make and views they express. Employees are not permitted to make irresponsible, false, or defamatory statements which attack, without foundation, the integrity of other individuals or of an organization.

3.13 Recording or Monitoring of Telephone Calls by a Third Party or Automatic Equipment.

A. Telephone mechanical or electronic eavesdropping is prohibited. Advance notice must be given whenever any person is placed on the line for any purpose whatsoever. Additionally, an advance verbal warning must be given when an automatic recording device with a tonal-warning system is used.

B. BIA employees, in the conduct of their official duties, are prohibited from:

- (1) The covert use of recording or monitoring equipment and devices of any kind.
- (2) Aiding or permitting the covert use of such equipment and devices.

3.14 Violations. It is the duty and responsibility of each employee to report promptly any known or suspected violations of law, policy, or regulations through supervisory channels or, if warranted, directly to the appropriate personnel or security office for appropriate handling.

A. It is essential that each violation or suspected violation be promptly and impartially investigated by experienced investigative personnel so that appropriate and timely corrective action can be taken.

B. Supervisors should consult their servicing personnel office before taking any disciplinary action. As in most circumstances, the Office of Personnel Management is charged with the responsibility of enforcing these restrictions.

C. An employee willfully violating the political activity restrictions will be subject to disciplinary action.

D. The freedom of employees to engage in political activities is limited by a number of statutes, laws and regulations. Some of the activities prohibited under penalty of fine and imprisonment are:

(1) Soliciting, receiving, disbursing, or otherwise handling contributions made for political purposes. This does not preclude employees from making voluntary contributions to a regularly constituted political organization for its general expenditures.

(2) Furnishing names and addresses of other employees for the purpose of political solicitation.

(3) Using official authority or influence for the purpose of interfering with an election or affecting the result thereof.

(4) Discriminating in favor of, or against, another employee or prospective employee because of political contributions or opinions.

3.15 Subversive Activity. No employee shall advocate or become a member of any organization which advocates the overthrow of the constitutional form of government of the United States, nor shall an employee become a member of any organization which seeks by force or violence to deny other persons their rights under the constitution of the United States. (18 U.S.C. 1918)

3.16 Striking. No employee shall strike against the Government or become a member of any organization which asserts the right to strike against the government of the United States (5 U.S.C. 7311).

3.17 Teaching, Lecturing, or Writing Activities. The attention of employees is directed to Section 20.735-10 of the Department of Interior Regulations on Employee Conduct and Responsibilities. That section makes it clear that while employees are encouraged to engage in such activities, there are certain restrictions. For example, an employee may not utilize information which has not or will not be made available to the general public. If the employee believes it is in the public interest to use such non-public information, that employee should request permission to do so from appropriate management officials. Permission to use the information must be given in writing over the signature of the appropriate official.

3.18 Meeting Financial Obligations.

A. All employees are expected to properly discharge their private financial obligations. For these reasons, failure without sufficient reason to honor just debts, (including tax delinquencies, claims based on court judgments, or to make and adhere to reasonable arrangements for settlement) will constitute grounds for disciplinary action. Employees are required to pay just financial obligations acknowledged by the employee or reduced to judgment by a court.

B. The agency will not permit itself to be used as a collection agent in connection with commercial obligations or claims based on court judgments. Neither will it be placed in the position of determining the validity of contested debts. Creditors and collectors shall be denied access to employees for the purpose of presenting or collecting claims during working hours. Upon receipt of a debt complaint, the employee shall be contacted by the supervisor and required to submit a statement concerning the action the employee will take to resolve the matter. Each complaint shall be acknowledged and the writer informed of the referral of the letter. If the obligation is admitted, the complainant will be advised of the employee's intentions regarding payment. If the obligation is disputed or denied the complainant will be so informed and advised that the BIA will take no further action pending determination of the claim's validity through proper civil proceedings.

C. All employees are also expected to properly discharge their financial obligations to the federal government. This includes but is not limited to prompt submission of travel vouchers, salary over payments, and income taxes when due.

Subchapter IV. Disciplinary Actions

4.1 Remedial Actions. When a supervisor decides that corrective action is necessary, the first consideration should be remedial action which is non-punitive in nature and will instruct the offending employee and possibly correct the problem situation. Consultation with the servicing personnel office is in order if a question should arise. Typically, these actions are applied by the supervisor, on their own initiative, and in situations where a relatively minor offense has occurred. The following suggested procedures are by no means the only informal corrective measures that can be employed. Supervisors are urged to review the background of individual cases and assure that these remedial measures are considered before disciplinary actions are utilized. It is the practice of sound management to be responsive to the first sign of unacceptable performance or employee misconduct.

A. Closer Supervision. At times the correction of unacceptable performance or employee misconduct requires nothing more than closer supervision. Such corrective action is particularly effective if applied immediately after the unacceptable performance or conduct occurs. Generally, the employee should be informed of the reason for the closer supervision and encouraged to participate in the corrective process. The employee should be informed of inadequacies in a proper time frame to ensure timely improvement.

B. On the Job Oral Instruction and Formal Training. Inadequacy in an employee's job performance can sometimes be remedied through on the job training and instruction. Such training shall be preceded by thorough employee counseling where the purposes and goals of the training are clearly described to the employee in a formalized training plan (IDP). As the training progresses, the employee should be apprised of his/her progress, or lack thereof, and notified in writing of this assessment. Unacceptable performance situations should be handled through the provisions of 5 CFR 432, Reduction in Grade And Removal Based On Unacceptable Performance.

C. Letters of Instruction. When further corrective action is necessary, letters of instruction should be written as a prelude to formal discipline. Informal letters should not be placed in the Official Personnel Folder, but may be maintained by the supervisor in the employee's SF 7B file. Letters of instruction should inform the employee of the performance or conduct expected to be performed which is consistent with the position or pertinent regulations. If a letter of instruction fails to correct the situation then an Admonishment Letter should be prepared.

D. Letter of Admonishment. It is a written interview between a supervisor and an employee and should be issued as a warning to the employee that a change in performance or conduct must take place immediately or formal disciplinary action may follow. It also identifies the infraction committed and informs the employee of the expected corrective action.

4.2 Formal Disciplinary Actions. Formal disciplinary actions consist of letters of reprimand, suspensions, reductions in grade or pay and removals. These actions should be initiated by supervisors after coordinating the proposed action with their personnel office. A record of the formal disciplinary action will become a part of the employee's official personnel file. The SF-50 effecting the action is placed on the right side of the employee's OPF. Detailed information concerning these actions is contained in FPM Chapter 752 and 370 DM 752, 1-3.

A. Letter of Reprimand. A written letter of reprimand is a letter or memorandum ordinarily issued by the immediate supervisor for the purpose of correcting an employee's conduct, attitude, work habits, or other factors which have a relationship to his/her employment, and to maintain the efficiency, discipline, and morale of the work force. A letter of reprimand is most effective when it is constructive and remedies or prevents the recurrence of an employee's shortcoming, fault, or offense. Before issuing a letter of reprimand, it may be necessary for the supervisor to fully discuss the incident with the employee in order to permit the employee to present his/her side of the situation. However, in cases where all the facts are known, a reprimand can be issued directly without first conferring with the employee. In the event the employee has no valid justification for the action, the employee shall be informed that a written letter of reprimand shall be issued and that it shall be filed in the Official Personnel Folder for up to two years. The employee must also be informed that a reprimand may be grieved through the Departmental grievance procedure or union contract as applicable. This type of disciplinary action shall be used when the situation or offense is serious and warrants corrective action, or in the case of repeated infractions of a minor nature. A reprimand lessens an employee's chance for promotion and other career opportunities and puts the individual on notice that more severe discipline may be imposed if the problem is not corrected.

B. Suspension. A suspension is an action placing an employee in an enforced temporary nonduty and nonpay status, which is imposed for significant misconduct or repeated lesser infractions. Since it penalizes not only the offending employee, but production as well, (the services of the employee are lost during the suspension period), it should only be imposed when a lesser penalty would be inadequate or prior actions have failed to correct the situation.

(1) A suspension must first be proposed giving the employee an opportunity to reply orally and in writing and to furnish affidavits and other documentary evidence in support of the reply, prior to the decision. The deciding official must give fair consideration to the reply prior to making the decision as to the suspension of 14 days or less. Suspensions of more than 14 days are covered under separate procedures. Care should be exercised when taking a suspension action so that the appropriate procedures are followed. In all instances an employee must be apprised of his/her appeal rights.

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(2) A Standard Form 52 (Request for Personnel Action) and all pertinent documentation must be sent to the servicing personnel office to enact all suspensions and adverse actions so that a Standard Form 50 can be processed.

C. Reduction in Grade or Pay. Demotion may be warranted as a result of misconduct or unsatisfactory performance when the employee cannot be continued in his/her present position and reassignment at the current grade or pay is not possible or practical. This type of action is normally imposed when (1) an employee is found to be inefficient in his/her current position and should be reduced in grade or pay, to a former position where it is determined that the employee did perform successfully and the conduct or performance deficiencies are not of such a nature to warrant removal or (2) an employee in a supervisory position, is found to be unable to properly supervise or manage and is demoted to a nonsupervisory position. (This does not apply to probation on initial appointment to a supervisory or managerial position see 370 DM 315, 9.1)

D. Removal. This is the most severe type of adverse action, since it not only removes the employee from the job, but may prevent any future federal employment. Before it is initiated, the facts and circumstances in an individual case must support the conclusion that the employee has clearly demonstrated unsuitability for continued employment or unwillingness to conform to the rules of conduct.

Note: Progression of Disciplinary Measures. Normally a progression of disciplinary measures is applied in an effort to correct employee performance or conduct before a decision is made to discharge. Discharge actions shall be preceded by progressive disciplinary measures such as reprimand, short suspension, and long suspension unless the misconduct is so serious or the violation of rules and regulations so flagrant, that immediate suspension or discharge is clearly warranted.

4.3 Additional Considerations. Withholding a with-in-grade increase from an employee does not constitute disciplinary action but is another mechanism of ensuring satisfactory performance. An employee must be informed in writing of the proposed denial, 60 days prior to the date the with-in-grade increase would become effective. The procedures for denying a WIGI are contained in 370 DM 531.4.

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4.4. Choice of Discipline. Discipline demands the exercise of responsible judgment so that an employee will not be penalized disproportionately to the character of the offense. A supervisor, therefore, must evaluate the situation on the basis of factual circumstances to assure that the action proposed and taken is reasonable under those circumstances. Some factors that should be considered are:

A. The employee's past work record and disciplinary history, including the nature, frequency, and recency of other offenses.

B. The likelihood of constructive rehabilitation.

C. The character of the position to which the employee is assigned, since the more responsible the position, the more exacting the standard of performance or conduct on and off the job.

D. The nature and gravity of the offense and the influence or existence of mitigating circumstances.

E. Like penalties should be imposed for like offenses when the circumstances are fairly similar.

See Table IV at the end of the manual for listing of the Douglas factors the Merit Systems Protection Board (MSPB) uses in reviewing Federal Agencies determination on the maximum reasonable penalty imposed.

4.5 Restrictions on Implementing Disciplinary and/or Adverse Action

Part 355 DM 2.1 provides that certain complaints of a serious nature must be reported to the Assistant Inspector General for Investigation, Department of the Interior. Part 370 DM 311, 2.2 provides that the Bureau shall not take final action on such cases until they are released by the Department. These cases shall be coordinated with the Branch of Employee and Labor Relations, Division of Personnel Management in the Central Office.

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Appendix A - Guide to Disciplinary and Adverse Actions

- .1 Purpose
- .2 Scope
- .3 Authority
- .4 Definitions
- .5 General Procedures for Taking Disciplinary and Adverse Actions
- .6 Instructions for Use of Table 1 Conduct and Discipline Guide

Table I. Conduct and Discipline Guide

- II. Standards Applying to Motor Vehicle Operations
- III. Statutory Provisions
- IV. Merit Systems Protection Board (Douglas Factors)

Appendix A. Guide to Disciplinary and Adverse Actions

A.1 Purpose.

This guide assists in determining the appropriate discipline for the type of offense committed. It does not replace supervisory judgment and it does not dictate penalties. Rather, this guide provides a general framework within which supervisors may exercise mature judgment in dealing with particular circumstances of employee misconduct.

The guide attempts to promote greater uniformity in the application of discipline within the corrective process. It is assumed that, when appropriate, remedial actions (See 44 BIAM 752, IV) have been taken in an attempt to correct the problem situation before disciplinary or adverse actions are initiated.

A.2 Scope.

The offenses listed in this guide do not cover all possible offenses.

A. This guide does not cover discipline required by law. Chapter 735 of the Federal Personnel Manual (FPM) contains additional statutory and non-statutory provisions relating to conduct of Federal employees. (See Table III)

B. The Department of the Interior, 43 CFR Part 20, Employee Responsibilities and Conduct, contains further information concerning constraints on its employees and other offenses which may require disciplinary action.

A.3 Authority.

Authority for issuance of this guide is found in 5 CFR 735.104.

A.4 Definitions.

A. Official reprimand - a written letter or memorandum issued for the purpose of correcting an employee's conduct, attitude, work habits or other factors which impact adversely on the efficient operation of the work unit. It is the least severe form of disciplinary action taken against an employee and is made a part of the employee's Official Personnel Folder (OPF) for a period up to two years.

B. Suspension - a written letter or memorandum issued for serious misconduct which places an employee in a non-duty non-pay status for a specified period of time. It is issued when a lesser penalty would be inappropriate or prior disciplinary action has failed to correct the situation.

C. Removal - is the most severe type of action against an employee since it not only terminates the employment of the individual but may prevent future federal employment. Each case must be decided on its own merits but the action shall only be taken when the employee has clearly demonstrated unsuitability for continued employment or unwillingness to conform to the rules of conduct.

A.5 General Procedures for Taking Disciplinary or Adverse Actions

A. Consult 370 DM 752, Addition to FPM for specific requirements for taking disciplinary and adverse actions.

B. In the event of an appeal or grievance, management must demonstrate that the penalty was appropriate under the circumstances and that consideration was given to all material factors.

C. When citing employee misconduct in a proposal or decision letter, no reference to crimes or criminal procedure in 18 U.S.C. should be used because the burden of proof in a criminal matter is more severe than that necessary for an administrative action.

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A.6 Instructions for Use of Table I.

A. "Offense" Columns, establish the range of penalties to be assessed.

(1) The reference to "first, second and third offense" means as follows:

(a) The first time an employee is formally disciplined (e.g. written reprimand or suspension) for violating Bureau policy or regulation, it will be considered the "first offense" for the purpose of this guide.

(b) Subsequent infractions of the same policy or regulation for which the employee is formally disciplined shall be the "second" and "third offense" respectively.

(c) "Remarks" Column is for individual use to note new decisions, references, and/or other specific notations regarding the specific offense cited.

B. Assessing Penalties.

(1) A penalty, either more or less severe than the minimum or maximum range, may be imposed. The appropriate penalty is determined primarily by:

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

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

(c) The employee's past disciplinary record;

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

(e) The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties;

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(f) Consistency of the penalty with those imposed upon other employees for the same or similar offenses;

(g) Consistency of the penalty with any applicable agency table of penalties;

(h) The notoriety of the offense or its impact upon the reputation of the agency;

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

(j) Potential for the employee's rehabilitation;

(k) Mitigating circumstances surrounding the offense such as unusual job tension, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and

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

(2) When consideration of an employee's past disciplinary record results in the determination to impose a more severe penalty than the immediate offense would warrant (i.e. more severe than the penalty noted in Table I), the advance notice to the employee shall contain the specific previous formal and/or informal disciplinary action (i.e. oral or written warnings) involved, if any, and the reasons for the more severe penalty. Likewise, the reasons for imposing a less severe action shall be detailed in the proposal or decision letters.

(3) Suspensions shall be effected in calendar days. The suspensions for 14 days or less listed in Table I of this supplement are stated in calendar days. It should be remembered that Office of Personnel Management regulations refer to separate procedures established for suspension of "14 days or less," and for "more than 14 days". Therefore, care should be exercised to ensure that all suspensions are processed through the proper procedure. (Refer to FPM Chapter 735 and especially, note the difference in appeal rights.)

(4) When appropriate, consideration may be given to reassignment or reduction in grade or pay, as an alternative to a more severe penalty.

CONDUCT AND DISCIPLINE GUIDE

Conduct	Discipline			
Nature of Offense	First Offense	Second Offense	Third Offense	Remarks
<p><u>1. Absence Without Leave.</u> (AWOL) is an absence from duty which is not authorized or for which a request for leave has been denied.</p>				AWOL must be reflected on the Time and Attendance Report in order to be considered charged. Refer to the PAY/PERS System, Time and Attendance, Installation, Vol. 8., dated April, 1982.
<p>a. <u>Tardiness.</u> Reporting late for work, training, meetings, etc., or returning late from lunch, class, meetings, etc.</p>	Official reprimand to 7 day suspension	1 day suspension to 14 day suspension	14 day suspension to removal	
<p>b. <u>Misapplication of Time.</u> Unexcused absence from the work area during employees scheduled tour of duty.</p>	Official reprimand to 7 day suspension	1 day suspension to 14 day suspension	14 day suspension to removal	
<p>c. <u>Leave Violations</u></p> <p>(1) Failure to request and obtain approval for leave according to established procedures.</p>	Official reprimand to 7 day suspension	1 day suspension to 14 day suspension	14 day suspension to removal	
<p>(2) Falsification of any type of leave record for oneself or another employee.</p>	7 day suspension to removal	Removal		Falsification requires proof of intent to defraud Government (MSPB Docket #ATO75299 011). Otherwise use alteration misrepresent, change etc.

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ADD. to FPM Release 44-88, 5/30/84

Conduct	Discipline			Remarks
Nature of Offense	First Offense	Second Offense	Third Offense	
<p>(3) <u>Improper use of sick leave</u> (for other than personal illness, doctor's appointments, or quarantine as appropriate or necessary).</p>	Official reprimand to 7 day suspension	1 day suspension to 14 day suspension	14 day suspension to removal	
<p>2. <u>Loafing, wasting time or sleeping on duty:</u></p>				
<p>a. When hazard to personnel or property is not acute or when no injury or loss is involved.</p>	Official reprimand to 7 day suspension	1 day suspension to 14 day suspension	14 day suspension to removal	
<p>b. When hazard to personnel or property is acute or when there has been injury or significant property loss.</p>	Official reprimand to removal	14 day suspension to removal	Removal	
<p>3. <u>Careless performance or negligence.</u></p>				
<p>a. Resulting in spoilage or waste of materials or delay in work production.</p>	Official reprimand	Reprimand to 7 day suspension	14 day suspension to removal	
<p>b. When consequences are extreme, or an attempt is made to conceal defective work or there is an unauthorized attempt to remove or destroy work.</p>	1 day suspension to 14 day suspension	14 day suspension to removal	Removal	

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ADD. to FPM Release 44-88, 5/30/84

Conduct		Discipline		
Nature of Offense	First Offense	Second Offense	Third Offense	Remarks
4. Failure or delay in carrying out work assignments, or instructions of supervisors.	Official reprimand	Reprimand to 7 day suspension	7 day suspension to removal	
5. <u>Insubordination</u> . Disobedience to constructed authorities or refusal to properly carry out an order from authorized supervisor, or wanton disregard of directive or insolence.	Official reprimand to 14 days suspension.	14 day suspension to removal	Removal	Must have a direct order from appropriate authority. Employee must understand what order is, and the consequences of failing to perform the task and must fail to perform the task. Otherwise use failure to follow directions.
6. <u>Inattention to Duties</u> .				
a. Taking actions which disregard the safety of oneself or others.	Official reprimand to 7 day suspension	14 day suspension to removal	Removal	
b. Disregard of posted rules or official signs.	Official reprimand to 7 day suspension	14 day suspension to removal	Removal	
c. Violations of any safety instructions or failure to use protective clothing and equipment.	Official reprimand to 7 day suspension	14 day suspension to removal	Removal	
7. Endangering the safety of, or causing injury to personnel through carelessness or failure to follow instructions.	7 day suspension to removal	14 day suspension to removal	Removal	

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Conduct	Discipline			Remarks
Nature of Offense	First Offense	Second Offense	Third Offense	
8. Embezzlement or unauthorized possession of, use of, loss of, or damage to government property or the property of others.	Official reprimand to removal	14 day suspension to removal	Removal	See 43 CFR 20.735-15 (a) and (c) <i>10/1/98 43 CFR 20. 101-603 only</i>
9. Uses or authorizes use of a government owned or leased vehicle for other than official purposes. Employees entrusted with motor vehicles are responsible at all times for the proper care, operation, maintenance and protection of the vehicle.	30 day suspension to removal	Removal	Removal	See 43 CFR 20.735-15 (b) <i>EE Resp/Condi</i>
10. Damage to government property or the property of others	1 day suspension to removal	14 day suspension to removal	Removal	
11. Failure to honor just debts or legal obligations without good cause.	Official reprimand	1 day suspension to 14 day suspension	14 day suspension to removal	See 43 CFR 20.735-16. Removal after full consideration of the effect on the agency.
12. Participation in or promoting gambling or betting while on duty for the Government.	Official reprimand to removal	14 day suspension to removal	Removal	See 43 CFR 20.735-17(d) Employee runs operation or is responsible for the gambling/betting activity.

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Conduct	Discipline			
Nature of Offense	First Offense	Second Offense	Third Offense	Remarks
13. Theft (actual or attempted) of government property or the property of others.	14 day suspension to removal	Removal		
14. Conversion of government funds to personal use, (e.g. travel advances, imprest funds, or amounts received as collections).	14 day suspension to removal	Removal		
15. Disorderly conduct, fighting, threatening, or attempting to inflict bodily injury to another or engaging in dangerous horse play.	Official reprimand to removal	14 day suspension to removal	Removal	
16. <u>Disrespectful conduct.</u>				
a. Quarreling or inviting others to quarrel, use of insulting; abusive or obscene language to or about other employees.	Official reprimand to 7 day suspension	14 day suspension to removal	Removal	Actual language must be spelled out and set off by quotes (e.g. "hell", "damn", etc.)
b. Making false, malicious, unfounded or irresponsible statements against other employees, supervisors, other officials, or subordinates which destroy or damage the reputation, or authority or the official standing of those concerned.	Official reprimand to removal	14 day suspension to removal	Removal	

CONDUCT AND DISCIPLINE GUIDE

Conduct	Discipline			Remarks
Nature of Offense	First Offense	Second Offense	Third Offense	
c. Resisting competent authority.	Official reprimand to removal	14 day suspension to removal	Removal	
17. Conduct unbecoming a Federal Employee, - consisting of criminal, dishonest, infamous or notoriously disgraceful conduct.	7 day suspension to removal	14 day suspension to removal	Removal	
a. Engaging in immoral or indecent conduct.	7 day suspension to removal	14 day suspension to removal	Removal	
b. Use or possession of illegal drugs off duty which reflects adversely on the Bureau.	Official reprimand to 7 day suspension	7 day suspension to 14 day suspension	Removal	
c. Selling illegal drugs off duty which reflects adversely on the Bureau.	Removal			
d. Excessive use of drugs (See Remarks) off duty which reflects adversely on the Bureau.	Official reprimand to 7 day suspension	7 day suspension to 14 day suspension	Removal	Alcohol, amphetamine, barbiturate, hallucinogen, narcotic, etc. 43 CFR 20.735-17(g)
18. Deliberate misrepresentation, falsification, misstatement, exaggeration or concealment of material fact in connection with employment, promotion, travel voucher, any record	7 day suspension to removal	14 day suspension to removal	Removal	See 43 CFR 20.735-17(n)

CONDUCT AND DISCIPLINE GUIDE

Conduct	Discipline			Remarks
	First Offense	Second Offense	Third Offense	
investigation or other proper proceeding or official document.				
19. Aiding or assisting in prosecution of claim against the U.S., or receiving gratuity or any share of, or interest in claim from any claimant otherwise than in discharge of proper official duties.	7 day suspension to removal	14 day suspension to removal	Removal	Exception: P.L. 93-638 Sec. 105 (j)
20. Use or possession of illegal drugs (See remarks) on government premises or while on duty.	Official reprimand to 7 day suspension	7 day suspension to 14 day suspension	Removal	Referral to Employee Counseling Assistance Program.
a. Selling of illegal drugs (See remarks) on government premises or while on duty.	Removal			Alcohol, amphetamine, barbiturate hallucinogen, narcotic, etc.
b. Being on duty so impaired by drugs, (See remarks) the employee is unable to perform assigned duties or could be a hazard to self and others.	Official reprimand to 7 day suspension	7 day suspension to 14 day suspension	Removal	If employee is not ready, willing, and able to work, the employee may be sent home on appropriate leave, a disciplinary action. See 43 CFR 20.735-17(g).
21. Improper discrimination in an official action against an employee, former employee, or applicant because of race, age, color, religion, sex, national origin, political affili-	Official reprimand to 7 day suspension	7 day suspension to 14 day suspension	Removal	

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Conduct	Discipline			
Nature of Offense	First Offense	Second Offense	Third Offense	Remarks
ation, marital status or any reprisal action against an employee for filing a grievance, appeal or complaint. (Consider circumstances and the effect on the person discriminated against).				43 CFR 20.735-17(2)
22. Use of BIA identification to coerce, intimidate or deceive another party (includes cards, badges or any Bureau credentials).	7 day suspension to removal	14 day suspension to removal	Removal	See 43 CFR 20.735-17(o)
23. Borrowing money or obtaining co-signatures from subordinates.	Official reprimand to 7 day suspension	14 day suspension to removal	Removal	See 43 CFR 735-17(e)
24. Unauthorized canvassing, soliciting, or peddling on premises.	Official reprimand to 7 day suspension	14 day suspension to removal	Removal	See 43 CFR 20.735-17 (c)
25. Conducting personal business/affair while on duty.	Official reprimand to 7 day suspension	7 day suspension to 14 day suspension	Removal	Contingent on the extent of personal business.
26. Any employee in authority, shall not take or fail to take a personnel action, against an employee as reprisal for disclosing information, which the	Official reprimand to 7 day suspension	14 day suspension to removal	Removal	See 5 USC 2302 43 CFR 20.735-17(b)

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ADD. to FPM Release 44-88, 5/30/84

Conduct	Discipline			
Nature of Offense	First Offense	Second Offense	Third Offense	Remarks
<p>employee in authority believes evidences violation of any law, rule, or regulation, mismanagement, a gross waste of funds, an abuse of authority or a substantial and specific danger to public health or safety.</p> <p>27. Serious or repeated violations of traffic regulations while operating a government vehicle or a vehicle rented or leased for official government purposes. Includes reckless driving or improper operation of any motor vehicle on BIA premises.</p> <p>28. Soliciting or accepting directly or indirectly any gift, gratuity, favor, entertainment, food, lodging, loan or other things of monetary value, from an individual or organization which has or is seeking business or financial relations with the BIA, conducts activities regulated by the BIA, or has interests which may be substantially affected by the performance of that employee's duties.</p>	<p>Official reprimand to removal</p> <p>Official reprimand to removal</p>	<p>14 day suspension to removal</p> <p>14 day suspension to removal</p>	<p>Removal</p> <p>Removal</p>	<p></p> <p>See 43 CFR 20.735-7</p>

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Conduct		Discipline		
Nature of Offense	First Offense	Second Offense	Third Offense	Remarks
29. Unfair labor practices, if the violation of prohibited practice was deliberate.	Official reprimand to 7 day suspension	7 day suspension to 14 day suspension	14 day suspension to removal	
30. Violation of tribal trust, when the breach results in release of sensitive information to unauthorized sources or there is evidence of a compromise of Bureau information.	1 day suspension to 14 day suspension	7 day suspension to removal	14 day suspension to removal	
31. Discourteous conduct toward the public - verbal, non-verbal or in writing.	Official reprimand to 7 day suspension	7 day suspension to 14 day suspension	14 day suspension to removal	4 such instances within one (1) year period requires removal.
32. <u>Corporal punishment.</u>	Official reprimand to 14 day suspension	14 day suspension to removal	Removal	Use of hand, fist, strap, pointer, switch, stick, ruler, or other implement used for striking which results in torture, discomfort, or humiliation of any person subject to BIA Employee Control.
33. Unofficial use of franked mail or official stationery.	Official reprimand to 7 day suspension	7 day suspension to 14 day suspension	14 day suspension to Removal	See 43 CFR 20.735-17 (m) Referral to U.S. Department of Justice for determination of prosecution for \$300.00 fine.

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Conduct	Discipline			
Nature of Offense	First Offense	Second Offense	Third Offense	Remarks
34. Use of the GSA Government Travel Charge Card (Citicorp Diners Club Card or its successor) for other than expenses incurred on official business or allowing another person to use the card assigned to the employee.	Reprimand to Removal	10 day suspension to Removal	Removal	
35. Failure to keep account current with card issuer after being reimbursed for travel expenses.	Admonishment to 5 day suspension	3 day to 10 day suspension	Removal,	See also with Offense #11
36. Supervisor's failure to properly establish performance standards for all subordinate employees.	Reprimand to 7 day suspension	14 day suspension to Removal	Removal	
37. Supervisor's failure to carry out requirements of 44 BIAM 430 within 120 days of the end of rating period.	Letter of admonishment to 5 day suspension	5 day suspension to 15 day suspension	15 to 30 day suspension	Refer to 44 BIAM 430 (Bureau Performance Appraisal System) for requirements and time frames

TABLE II. STANDARDS APPLYING TO MOTOR VEHICLE OPERATIONS

1. The acts or circumstances listed in paragraph 3 and 4 below may require either suspension or revocation of any vehicle operator's permit which was issued by the Federal Government.
2. The suspension or revocation of a vehicle operator's permit does, however, require action either to remove duties from the employee's position or to remove the employee temporarily, or permanently from the position which requires performance of driving duties. Such personnel actions shall not be based on the reasons that led to the suspension or revocation.
3. In accordance with Section 930.118 of the Civil Service Regulations (FPM Supplement 990) the following grounds constitute sufficient cause for suspension or revocation of an operator's permit and for any necessary adverse personnel action.
 - A. The employee is convicted of operating a vehicle while under the influence of narcotics or intoxicants.
 - B. The employee is convicted of leaving the scene of an accident without making himself known.
 - C. A federal medical officer finds the employee fails to meet the required physical standards.
 - D. The employee's state operator's license is revoked or suspended.
4. The following circumstances may also be used as reasons for suspension or revocation of an operator's permit or as a basis for adverse personnel action.
 - A. Involvement in a motor vehicle accident while driving a government vehicle and after investigation found to be at fault.
 - B. Conviction of traffic (other than parking) violations which occurred while driving a government vehicle.
 - C. Improper operation of the motor vehicle assigned.
 - D. Non-compliance with BIA regulations relating to motor vehicle operation.
 - E. Failure on physical examination to meet required physical standards but defects are considered by a federal medical officer to be a temporary nature.

TABLE III. STATUTORY PROVISIONS

Attention of the employees of the BIA is hereby directed to the following statutory provisions:

- (A) House Concurrent Resolution 175, 85th Congress, second session, 72A Stat. Bl2, the "Code of Ethics for Government Service."
- (B) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflict of interest, as appropriate.
- (C) The prohibition against lobbying with appropriated funds (18 U.S.C. 1912).
- (D) The prohibition against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).
- (E) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).
- (F) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).
- (G) The provision relating to the excessive and habitual use of intoxicants (5 U.S.C. 7352).
- (H) The prohibition against the misuse of Government vehicle (31 U.S.C. 638a(c)(2)).
- (I) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).
- (J) The prohibition against the use of deceit in an examination or personnel action in connection with government employment (18 U.S.C. 1917).
- (K) The prohibition against fraud or false statements in a government matter (18 U.S.C. 1001).
- (L) The prohibition against concealment, removal or mutilation of a public record (18 U.S.C. 2071 (b)).
- (M) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

- (N) The prohibitions against; (1) embezzlement of government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee, by reason of his employment (18 U.S.C. 654).
- (O) The prohibition against unauthorized use of documents relating to claims from or by the government (18 U.S.C. 285).
- (P) The prohibition against political activities in subchapter III and 18 U.S.C. 600, 601, 602, 603, 606, and 607. (5 U.S.C. 73).
- (Q) The prohibition against an employee acting as an agent of a foreign principal, registered under the Foreign Agents Registration Act (18 U.S.C. 219).
- (R) Prohibition against engaging in riots or civil disorders (5 U.S.C. 7313).
- (S) Prohibitions affecting activities of government employees in their private capacities - (Conflict of Interest) (18 U.S.C. 202, 203, 205, 207, 208, 209, 210, and 211).
- (T) Prohibition on conduct other than statutory (FPM 735 - Appendix B-1).