



Progressive Discipline and a Guide to Suggested Penalties

What are the OIG's penalties for misconduct?

OIG employees need to demonstrate the highest levels of ethical conduct and need to act in accordance with established standards of conduct for Federal Government employees and employees of the Treasury Department., including the standards of conduct discussed in Policy Directive 810-04, Standards of Ethical Conduct for OIG Employees.

The vast majority of employees exhibit proper conduct; however, on occasion lapses may occur. This Policy Directive addresses the use of progressive discipline in the few cases a lapse may occur. It provides a table of offenses and suggested penalties that is a guide to assessing the appropriate penalties for common types of misconduct. While the table does not cover every possible type of misconduct, it provides examples of offenses, whether committed on or off-duty, for which the OIG may discipline employees. The absence of a specific act does not mean that the OIG condones it, finds it permissible, or will not take disciplinary or adverse action in response to it. The table is a guide, not a set of mandatory rules; it does not relieve supervisors and managers from using good judgment when disciplining employees. Off-duty misconduct can be the subject of discipline, if the conduct adversely affects the efficiency and integrity of OIG operations.

What is the purpose and nature of progressive discipline?

The OIG imposes disciplinary penalties to correct behavior and inform employees that certain conduct is unacceptable. The OIG supports a policy of progressive discipline with subsequent misconduct penalized with increasing severity as described in the following cases. A minor infraction may only warrant counseling to correct the behavior. For example, the OIG would not fire an employee for the first instance of being absent-without-leave for 15 minutes. Instead, the supervisor might start with oral counseling, then issue a written reprimand and so on, until either the employee corrects the behavior or until the discipline progresses to the employee's removal from the OIG. While most types of offenses allow for progressive discipline, some (such as accepting a bribe) are so egregious that a single instance is sufficient to warrant removal.

How does a manager select a penalty?

After the employee has a chance to provide his or her side of the story to the supervisor, the supervisor will determine whether discipline is appropriate. The supervisor should select a penalty from the attached table, after considering all the facts and possible mitigating and aggravating factors (e.g. Is the employee a supervisor? Has the OIG disciplined the employee in the past?).

In taking disciplinary action, supervisors should impose similar penalties for similar offenses. However, a supervisor may increase or reduce the penalty if appropriate. The table is a guide. It cannot replace reason or good judgment.

In those cases where a suspension, removal, or other adverse action is appropriate, the supervisor will propose that penalty. The employee will have an opportunity to provide a written and/or oral reply to the proposal, then a decision is made by a higher-level supervisor. Some factors, called mitigating factors, may weigh in the employee's favor when a penalty is imposed. Other factors, called aggravating factors, may weigh against the employee. These factors are commonly referred to as "Douglas Factors."

If I have a question about this policy, whom can I contact?

Call Edith Greenip, Director of the Human Resources Division, at (202) 927-6552 or email her at greenipe@oig.treas.gov. If you can't reach Edith, please send an email to OIG-OM@oig.treas.gov or call the Office of Management's main line at (202) 927-5200.

Table of Offenses and Suggested Penalties

	Nature of Offense	1st Offense	2nd Offense	3rd Offense
	<i>Attendance</i>			
1.	Attendance-related offenses [e.g. unexcused tardiness, Absence Without Leave (AWOL), failure to follow established leave procedures]	Oral counseling to 5-day suspension	Written Reprimand to 14 day-suspension	5-day suspension to removal
	<i>Constitutional Rights</i>			
2.	Violation of an employee's constitutional rights (i.e., freedom of speech/association/religion)	Written reprimand to removal	5-day suspension to removal	30-day suspension to removal
	<i>Discrimination</i>			
3.	Discrimination based on race, color, sex, religion, national origin, sexual orientation, age, marital status, political affiliation, or handicap	Written reprimand to removal	14-day suspension to removal	Removal
4.	Interference with an employee's exercise of, or reprisal against an employee for exercising, a right to grieve, appeal or file a complaint through established procedures	Written reprimand to removal	14-day suspension to removal	Removal
5.	Reprisal against an employee for providing information to an Office of Inspector General (or equivalent) or the Office of Special Counsel, or to an EEO investigator or for testifying in an official proceeding	30-day suspension to removal	Removal	
6.	Sexual harassment	Written reprimand to removal	14-day suspension to removal	Removal
	<i>Disrespect</i>			
7.	Making false, malicious or unfounded statements against coworkers, supervisors, subordinates or Government officials which tend to damage the reputation or undermine the authority of those concerned	Written reprimand to removal	14-day suspension to removal	30-day suspension to removal
8.	Abusive, disrespectful or offensive language, gestures or other conduct	Written reprimand to 10-day suspension	5-day suspension to removal	30-day suspension to removal
	<i>Intoxicants</i>			
9.	a. Alcohol-related	Written reprimand to removal	5-day suspension to removal	14-day suspension to removal
	b. Drug-related	5-day suspension to removal	14-day suspension to removal	Removal

	Nature of Offense	1st Offense	2nd Offense	3rd Offense
	<i>Misuse of Government Property</i>			
10.	Stealing, actual or attempted; unauthorized possession of Government property or property of others	Written reprimand to removal	5-day suspension to removal	14-day suspension to removal
11.	Using Government property or Government employees in duty status for other than official purposes	Written reprimand to removal	1-day suspension to removal	14-day suspension to removal
12.	Loss of or damage to Government property, records, or information	Written reprimand to 14-day suspension	5-day suspension to removal	14-day suspension to removal
13.	Willfully using or authorizing the use of a government passenger motor vehicle or aircraft for other than official purposes (31 U.S.C. §1349)	30 day suspension to removal		
14.	Mutilating or destroying a public record (18 U.S.C. 2071)	Removal		
	<i>National Security</i>			
15.	Action against national security (5 U.S.C. 7532)	Removal		
16.	Participating in a strike, work stoppage, slowdown, sickout, or other job action	Removal		
	<i>Political Activity</i>			
17.	Prohibited political activity (e.g. violation of the Hatch Act, 5 U.S.C. § 7323 or 7324)		30-day suspension to removal	
	<i>Safety and Security</i>			
18.	Breach of safety regulation or practice	Written reprimand to removal	1-day suspension to removal	5-day suspension to removal
19.	Breach of security regulation or practice	Written reprimand to removal	1-day suspension to removal	5-day suspension to removal
	<i>Violations of Rules of Conduct</i>			
20.	Delay in carrying out or failure to carry out instruction in a reasonable time	Written reprimand to removal	1-day suspension to removal	5-day suspension to removal
21.	Defiance of authority, disregard of directive or refusal to comply with proper order	Written reprimand to removal	5-day suspension to removal	Removal
22.	Sleeping, loafing, or failure to attend to duties	Oral counseling to 5-day suspension	3-day suspension to removal	14-day suspension to removal
23.	Negligent performance of duties	Oral counseling to 5-day suspension	Written reprimand to removal	14-day suspension to removal

	Nature of Offense	1st Offense	2nd Offense	3rd Offense
24.	Misuse of official Government credentials or position	Written reprimand to removal	5-day suspension to removal	14-day suspension to removal
25.	Deliberate misrepresentation, falsification, exaggeration, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding	Written reprimand to removal	1-day suspension to removal	5-day suspension to removal
26.	Offenses relating to fighting	Written reprimand to removal	14-day suspension to removal	30-day suspension to removal
27.	Offenses related to gambling	Oral counseling to removal	1-day suspension to removal	5-day suspension to removal
28.	Indebtedness or other financial irresponsibility regarding debt, including improper computation and payment of taxes, where agency operations or reputation are affected	Oral counseling to written reprimand	Written reprimand to 5-day suspension	5-day suspension to removal
29.	Finding by the Merit Systems Protection Board (MSPB) of refusal to comply with MSPB order or of violation of statute causing issuance of Office of Special Counsel complaint (5 U.S.C. 1206(g)(1) and 1207(b))		Written reprimand to removal	
30.	Directing, expecting or rendering services not covered by appropriations (5 U.S.C. 3103)	Removal		
31.	Failure to deposit into the Treasury money accruing from lapsed salaries or from unused appropriations for salaries (5 U.S.C. 5501)	Removal		
32.	Soliciting contributions for a gift for a superior; making a donation as a gift to a superior; accepting a gift from an employee receiving less pay (5 U.S.C. 7351)	5-day to 14-day suspension	30-day suspension to removal	Removal
33.	Accepting a bribe	Removal		
34.	Conflict of interest between official duty and private interest	3-day suspension to removal	14-day suspension to removal	Removal
35.	Unauthorized disclosure of classified or other restricted information [e.g. tax return (6103), Privacy Act, Grand Jury, or classified information]	1-day to 14-day suspension	Removal	
36.	Failure to report violation of law or other misconduct	Oral counseling to 5-day suspension	Written reprimand to 14-day suspension	14-day suspension to removal