



**MANAGEMENT DIRECTIVE**  
**DISCIPLINE AND ADVERSE ACTIONS**

**Effective Date: June 28, 2010**

**Management Directive No. 256-002**

---

## **I. Purpose**

This Management Directive (MD) sets forth U. S. Citizenship and Immigration Services (USCIS) policy and guidelines for administering employee discipline and adverse actions, including resolution through alternative discipline. This MD also establishes the authority and responsibility for taking appropriate corrective action for disciplinary or certain non-disciplinary reasons, when it is determined that such actions will promote the efficiency of the service. Discipline, including alternative discipline, is meant to reinforce positive behavior and prevent recurrence of inappropriate conduct while maintaining effective supervisor-employee relationships.

This MD also communicates guidance for penalty consideration. Requirements stated in this MD are consistent with law, regulations and Department of Homeland Security (DHS) policies applicable at the time of its issuance. Action taken through the application of this MD must comply with the requirements of pertinent laws, rules, regulations, as well as the lawful provisions of applicable negotiated agreements for employees in exclusive bargaining units.

## **II. Scope**

This MD applies to all USCIS employees.

## **III. Authority and Supersedence Information**

- A. The following laws, regulations, orders, policies, directives and guidance govern this MD:
1. Executive Order (EO) 9830, "Civil Service Rules and Providing for Federal Personnel Administration," as amended;
  2. 5 U.S.C. Chapter 43, "Performance Appraisal";
  3. 5 U.S.C. Chapter 75, "Adverse Actions";
  4. 5 CFR 297, Privacy Procedures for Personnel Records;
  5. 5 CFR 432, "Performance Based Reduction in Grade and Removal Actions";
  6. 5 CFR 752, "Adverse Actions";
  7. 5 CFR 771, "Agency Administrative Grievance System"; and

8. 5 CFR 772, "Interim Relief."

- B. This MD supersedes Administrative Manual Procedures 1.1.204 "INS Disciplinary and Adverse Actions."

#### IV. Definitions

- A. **Administrative Leave:** An excused absence from duty without charge to leave or loss of pay.
- B. **Adverse Action:** For purposes of this MD, a personnel action taken by management, appealable to the Merit Systems Protection Board (MSPB), to effect an employee's removal, suspension for more than 14 days, furlough without pay for 30 days or less, or reduction in grade or pay.
- C. **Alternative Discipline:** An alternative to traditional discipline, usually when the traditional penalty would be less than removal imposed pursuant to an agreement where the employee accepts responsibility for his or her actions and management imposes a lesser, sometimes non-traditional penalty such as community service, donation of annual leave or participation in EAP.
- D. **Day:** A calendar day (except where otherwise specified).
- E. **Deciding Official:** A USCIS supervisor or manager who makes a decision on proposed adverse action or disciplinary action.
- F. **Demotion:** A reduction in grade or pay. When imposed for misconduct it is usually more severe than a suspension without pay.
- G. **Formal Disciplinary Action:** For purposes of this MD, an action taken by management, not appealable to the MSPB (i.e., written reprimand; suspension for 14 days or less) to address employee misconduct.
- H. **Enforced Leave:** Mandating that the employee use her/his own sick or annual leave (after the 30-day notice period with pay) pending investigation, inquiry, or further agency action.
- I. **Furlough:** The placement of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons.
- J. **Grade:** A level of classification under a position classification system associated with a particular pay range.
- K. **Indefinite Suspension:** The placement of an employee in a temporary status without duties and pay pending investigation, inquiry, or further agency action. The indefinite suspension continues for an indeterminate period of time and ends with the occurrence of the pending conditions set forth in the notice of action which may include the completion of any subsequent administrative action.

- L. **Informal Disciplinary Action:** Minor corrective action which is not made a matter of record for inclusion in the employee's official personnel folder, usually an oral admonishment.
- M. **Last Chance Agreements:** Terms agreed to by an employee (or former employee) and an employer under which the employee will be given a last opportunity to keep or get back her/his employment, usually when the agency would otherwise remove (or has removed) the employee for performance, conduct, or leave deficiencies.
- N. **Letter of Reprimand:** A written reprimand that is filed in the employee's Official Personnel Folder (OPF) for a period up to two years. After the period has expired, the Letter of Reprimand will be removed from the OPF but will be retained in the employee's Employee Relations Case file for a period of seven years from the date of issue. A Letter of Reprimand is the lowest level of formal disciplinary action.
- O. **Pay:** The rate of basic pay fixed by law or administrative action for the position held by an employee.
- P. **Preponderance of the Evidence:** The degree of relevant evidence which a reasonable person, considering the record as a whole, might accept as sufficient to find that a contested fact is more likely to be true than untrue.
- Q. **Probationary Termination:** The involuntary termination of an individual's employment from a federal agency while serving under a probationary or trial period.
- R. **Proposing Official:** A USCIS supervisor or manager who proposes an adverse or disciplinary action.
- S. **Removal:** The involuntary termination of an individual's employment with a federal agency for cause.
- T. **Suspension Without Pay:** Employee is placed in an involuntary non-duty and non-pay status. It is more severe than a letter of reprimand.

## V. Policy, Procedures and Requirements

- A. **Policy:** Labor and Employee Relations (LER) is responsible for implementing, supporting, and providing oversight for the effective management of employee conduct and discipline.
- B. **Procedures:** Specific guidance on selection of penalty and procedural requirements is contained in Appendices A, B, and C.
- C. **Requirements:** To ensure compliance with government-wide statutory, regulatory and agency requirements, and to follow efficient business processes, protect employees, and protect USCIS against unnecessary liabilities, all USCIS supervisors and managers, either personally, by delegation, or through their authorized Mission Support Personnel, must contact their servicing LER office for advice, guidance, and concurrence before taking **any** disciplinary or adverse action. An LER specialist assigned to the servicing LER office and reporting through the

Workforce Relations Division chain-of-command, must review and concur in all documents relating to disciplinary and adverse actions. Review and concurrence by the Servicing LER office is important even if a supervisor/manager plans to issue a positive rather than a negative response, as positive and negative responses may be viewed as establishing precedent, establishing a past practice, or creating agency liability. In the event of a disagreement between a supervisor/manager and an LER specialist, the matter should be elevated through the parties' respective chains of command until it has been resolved, or until the matter reaches the Associate Director or Program Office Chief level.

## **VI. Responsibilities**

- A. The Office of Human Capital and Training is responsible for ensuring compliance with applicable laws, regulations, and Executive Orders.
- B. The Workforce Relations Division is responsible for:
  - 1. Developing and updating Discipline and Adverse Action policy and procedures;
  - 2. Ensuring that USCIS managers, supervisors, and employees are notified of current policies and changes thereto; and
  - 3. As requested, providing conduct/discipline training and related instructional guidance for USCIS supervisors and employees as needed.
- C. The Labor and Employee Relations Branch and servicing LER Offices are responsible for:
  - 1. Advising supervisors on employee conduct and performance issues and disciplinary options (including procedural/regulatory parameters);
  - 2. Drafting or reviewing all disciplinary notices prior to issuance and applicable case files to ensure reasonableness of penalty and statutory/regulatory compliance;
  - 3. Advising employees and supervisors of their procedural rights and responsibilities relative to this MD, applicable laws, regulations, and negotiated agreements;
  - 4. Consulting with the Office of Chief Counsel (OCC) for legal sufficiency on adverse action proposals and decisions, and providing technical support and assistance to OCC on actions taken under this MD;
  - 5. Maintaining disciplinary and adverse action files and an information system for tracking and periodically reporting the actions effected;
  - 6. Representing USCIS during non-litigation settlement negotiations and arbitrations; and
  - 7. Providing operational training support to ensure the workforce is sufficiently aware of the provisions of this MD.
- D. The Office of the Chief Counsel is responsible for:
  - 1. Providing reviews for legal sufficiency of and advice on adverse actions being considered, proposed, or taken under this MD;
  - 2. When appropriate, representing USCIS during settlement negotiations and arbitrations;
  - 3. Representing USCIS during MSPB appeals, litigation of Equal Employment Opportunity Commission (EEOC) complaints, and other activities related to the administrative and

federal personnel litigation process; in accordance with established DHS policy, coordinating settlements of actions taken under this MD which impose a financial obligation on USCIS; and

4. As requested, reviewing and providing input on conduct/discipline training and related instructional guidance for USCIS supervisors and employees as needed.

E. Supervisors and managers are responsible for:

1. Providing a work environment free of prohibited personnel practices, including discrimination;
2. Advising employees regarding assigned duties and conduct expectations, which includes observing employee performance and conduct to ensure compliance with the standards of ethical conduct and other established work requirements;
3. Consulting with the servicing LER office regarding employee misconduct and initiating appropriate, timely, and relatively consistent corrective action as warranted; and
4. Promptly evaluating and documenting circumstances related to incidents of employee misconduct with guidance from the servicing LER office;
5. Counseling or disciplining, as appropriate, subordinate employees in a timely manner concerning questionable conduct, pointing out specific areas of deficiency or incident, impact of the behavior, specific improvements required, and the possible consequences of continued conduct deficiencies;
6. Being available, within reasonable limitations, for any further consultation that the employee may request, if appropriate;
7. As appropriate, advising the employee of the availability of the Employee Assistance Program (EAP) for assistance in managing any alcohol, drug, or any other personal or work related problem including stress, financial, marital, family, legal, or emotional difficulties;
8. Refraining from making a determination as to whether or not the employee actually has a problem, diagnosing a suspected problem, and assuming the role of an EAP Counselor in dealing directly with the employee's problem;
9. Consulting with an EAP Counselor, when appropriate, to obtain assistance in the process of referring an employee to EAP (the LER specialist will provide guidance in this area); and
10. Recognizing and complying with the requirements of this MD and the applicable provisions of established collective bargaining agreements, as appropriate.

Any supervisor or management official who fails to report known misconduct or suspected criminal misconduct may be subject to disciplinary action. This requirement applies even though he or she may believe that disciplinary action is not warranted based upon circumstances of the case.

F. Employees are responsible for:

1. Abiding by the federal standards of ethical conduct and any supplemental DHS and USCIS policies and directives;
2. Completing any required training;
3. Complying with all established conduct and performance requirements, and requesting clarification if necessary; and

4. Reporting allegations of misconduct by both government and contract employees.

Examples of alleged employee misconduct that must be reported immediately to the USCIS Office of Security and Integrity (OSI) and/or the DHS Office of the Inspector General (OIG) include, but are not limited to:

- Fraud, corruption, bribery, and embezzlement,
- Theft or misuse of funds and theft of government property,
- Perjury,
- Physical assault,
- Unauthorized release of classified information,
- Drug use/possession
- Unauthorized use/misuse of sensitive official government databases,
- Misuse of official position for private gain,
- Misuse of a government vehicle or property,
- Failure to properly account for government funds,
- Unauthorized use/misuse of a government purchase or travel card,
- Falsification of travel documents,
- Falsification of employment application documents
- Misconduct by an employee at the GS-15 level or higher, and
- Arrest of an employee or contractor by law enforcement personnel, including your own arrest.

5. Cooperating in official investigations and furnishing testimony.

Employees will refrain from activity which is contrary to or in violation of the requirements of laws, rules, or regulations and report to her/his immediate supervisor (to other authority when appropriate) acts of misconduct by other U.S. Government employees.

Any employee who fails to adhere to the above is subject to disciplinary or adverse action.

## VII. Questions, Comments and Suggestions

Address any questions or concerns regarding this MD to the USCIS Workforce Relations Division.

**Note:** This USCIS Management Directive (MD), issued in accordance with established USCIS guidance, establishes mandatory agency-wide policy that without compromise is effective for USCIS operations as stated hereafter and shall be observed by all USCIS employees. USCIS MDs are not intended to and shall not provide a basis for any policy or practice that contravenes or supersedes any currently effective Federal or Department of Homeland Security policy or practice. Neither the proponent office for this MD nor any USCIS official other than the Deputy Director or Director may issue qualifications or revisions to this MD. All revisions to this MD shall become effective only upon satisfaction of the USCIS MD process and approval of the Deputy Director or Director.

## **VIII. Appendices**

**Appendix A:** Employee Discipline and Adverse Actions

**Appendix B:** Penalty Determination

**Appendix C:** Table of Offenses and Penalties

**U.S. Citizenship and Immigration Services  
Discipline and Adverse Actions  
Employee Discipline and Adverse Actions**

- A. **General:** DHS employees are expected to demonstrate high standards of integrity, both on and off the job, abiding by MD 0480.1, "Ethics/Standards of Conduct," and other federal and Departmental laws, rules, regulations, and policies. When established standards of conduct are violated, or the rules of the workplace are disregarded, corrective action is warranted to ensure that employees conform to acceptable behavioral standards and prevent prohibited and/or unsafe activities. Such corrective actions, when taken under this MD, should comport with applicable laws and regulations, should be administered with relative consistency, and should be taken for such cause as will promote the efficiency of the service. Whenever appropriate, supervisors should consider using alternative discipline procedures in order to correct behavior while maintaining good and respectful working relationships.
- B. **Standard for Taking Conduct-Action:** Management must be able to show that the actions taken under this MD promote the efficiency of the service. Thus, any actions taken under this MD must meet the following criteria: (a) the written notices of proposal and decision must identify the charge(s) or reason(s) upon which the action is based; (b) the action must be supported by a preponderance of the evidence; (c) there must be a connection (nexus) between the charge/offense and the efficiency of the service; and (d) management must be able to demonstrate that it considered all relevant factors in determining a reasonable penalty.
1. Management may take a corrective or adverse action against a Senior Executive Service (SES).
    - a. Specific standards and action are prescribed for corrective or adverse actions against an SES.
    - b. Actions against an SES are outside the scope of this MD.
- C. **Use and Choice of Discipline:** Discipline should be imposed to correct improper employee conduct and to maintain order, morale, and workplace safety throughout the workforce to promote the efficiency of the service. After determining that misconduct occurred and that corrective action is warranted, discipline is best initiated as soon as practicable after the misconduct which prompted it and effected on a progressive basis, where applicable. These progressive applications of penalties are known as progressive discipline. This concept is applied in all cases except where penalties are prescribed by law, rule, or regulation, or instances where management deems the misconduct is egregious enough to warrant more serious action up to and including removal.

Management officials must exercise reasonable judgment and consider all relevant factors, both mitigating and aggravating (as reflected in the guidance found at Appendix B), in determining the most appropriate corrective action for each situation, including whether alternative discipline should be an option in a given situation. As a guide for considering disciplinary options, the USCIS Table of Offenses and Penalties is included as Appendix C to this MD. The Table does not mandate the use of specific penalties in disciplinary situations. Supervisors/managers retain full authority, except in limited circumstances (i.e.—discipline



prescribed by statute or the MSPB), to set penalties as they deem appropriate, based on the particular circumstances and specifications of the offense. Consultation, coordination, and concurrence of the servicing LER office should ensure that a particular penalty is reasonable and proportional to the offense and that employees who commit similar offenses are treated with relative consistency.

## GUIDELINES

- A. **General:** Taking corrective action against an employee is appropriate only when the employee has engaged in misconduct adversely affecting the efficiency of service. Before initiating such action, management should conduct an inquiry into any suspected offense to ensure the objective consideration of all relevant facts and aspects of the situation. Ordinarily, this inquiry will be conducted by the appropriate line supervisor or designee, with guidance from the servicing LER office.

Inquiries in certain situations (particularly those involving possible criminal activity) must be preceded by an appropriate referral of the alleged misconduct information via complaint to the Office of Security and Integrity (OSI) and/or the DHS Office of the Inspector General (DHS OIG) for review and investigative determination. In these cases, the corrective action should be based upon the findings of any consequent investigation by the DHS OIG, OSI, Federal Protective Service (FPS) or a local law enforcement entity, or based upon the findings of a field Management Inquiry (MI) referred by the OSI and conducted by the appropriate line supervisor or designee, with guidance from the servicing LER office. (See Reporting Employee Misconduct on the OSI website for details on when and how to report this type of misconduct.)

Once it is established that an employee engaged in misconduct necessitating corrective action, a supervisor or other management official (using the guidance at Appendices B and C and in consultation with the servicing LER office) must determine the action/penalty required to deter the recurrence of the unacceptable behavior.

Under the best circumstances, minor misconduct should be corrected through informal supervisory counseling advising the employee promptly after the first instance of misconduct. The supervisor also may rely on notices of warning/admonishment and alternative discipline to convince the employee to change the undesirable behavior. These actions are less severe than formal disciplinary and adverse actions described below, are less subject to review by third parties, and do not become part of the employee's permanent official employment record. Notices of warning/admonishment document the employee's misconduct, place the employee on notice regarding the behavior expected by management, and advise the employee that more serious corrective action (e.g.—reprimand, suspension, removal) will result if the unacceptable behavior is not corrected. The use of such corrective actions does not constitute a "prior penalty" for disciplinary purposes to increase the severity of penalty for a subsequent offense; however, such corrective actions may be viewed as "prior notice." The use of alternative discipline, however, can constitute "prior penalty," either for a specific timeframe or for an indefinite period.

B. **Means of Handling Misconduct**1. **Counseling or Warnings** should be used by the supervisor when:

- a. Infractions are minor and infrequent, and the supervisor determines that counseling and/or verbal warnings will likely preclude a recurrence of the misconduct; and
- b. Formal discipline is not warranted.

2. **Letter of Admonishment, Caution, or Warning** issued by the supervisor:

- a. Serves as a written notice, and/or confirmation of counseling, and/or verbal warning that conduct is unacceptable;
- b. Warns that disciplinary action may result if the unacceptable conduct continues;
- c. Is not a formal disciplinary action, but may be considered appropriate corrective action; and
- d. Is not maintained in the employee's OPF.

The employee has the right to file an Equal Employment Opportunity (EEO) complaint on the issuance of the letter of admonishment, caution or warning.

3. **A Letter of Reprimand:**

- a. **Is a formal disciplinary action;**
- b. May be issued without formal advance notice or proposal; and
- c. Will inform the employee:
  - i. Of the specific acts for which s/he is being reprimanded;
  - ii. That a copy will be maintained in her/his OPF for a determined length of time not to exceed two years;
  - iii. That s/he has the right to file an EEO complaint or may grieve the issuance of the letter of reprimand, by following the grievance procedures in USCIS MD 256-001 or a negotiated grievance procedure, whichever is applicable; and
  - iv. That a repetition of the offense or other improper conduct may lead to more severe disciplinary action, up to and including removal from the federal service.

4. **Suspension of 14 Calendar Days or Less**

- a. **Is a formal disciplinary action;**
- b. The employee is entitled to:
  - i. A written notice which states the charge(s) and reason(s) for the proposed suspension specifically and in detail;
  - ii. Representation by an eligible representative, including an attorney;
  - iii. A reasonable amount of duty time in which to secure affidavits and submit a written and/or oral reply;
  - iv. The opportunity to review all material relied upon to support the reason(s) for the proposal;
  - v. The opportunity to submit a written and/or oral reply to the proposal and consideration of the reply before a decision is made; and
  - vi. A written decision before the effective date of the suspension (and at the earliest practicable date) which provides the reason(s) for the suspension, and the right to file a grievance or EEO complaint.

**5. Suspension of More Than 14 Calendar days, Furlough of 30 days, or less, or Removal.**

- a. **Is an adverse action.**
- b. The employee is entitled to:
  - i. A written notice stating all charge(s) and all reason(s) for the proposed suspension at least 30 calendar days in advance of the effective date of any decision;
  - ii. Representation by an eligible representative, including an attorney;
  - iii. The opportunity to review all materials relied upon to support the reason(s) for the proposal;
  - iv. A reasonable amount of duty time to prepare a reply to the proposal;
  - v. The opportunity to submit a written and/or oral reply to the proposal and consideration of the reply before a decision is made;
  - vi. A written decision before the suspension is effective (and at the earliest practicable date) stating which of the reasons in the advance notice have been sustained, and which have not been sustained;
  - vii. The right to appeal a decision to suspend for more than 14 calendar days, removal, or furlough of 30 days or less, to the MSPB or to grieve the matter through a negotiated grievance procedure when applicable, but not both; and
  - viii. The right to file an EEO complaint if the employee believes the action was taken as the result of prohibited discrimination.

**6. Reduction in Grade and Pay (may be warranted as a result of misconduct):**

- a. **Is an adverse action;**
- b. When the employee cannot be continued in her/his present position;
- c. When Reassignment at her/his present grade is not possible or practical; and
- d. When there is a reasonable belief that the misconduct will not or cannot continue at a lower grade level.
- e. The employee is entitled to:
  - i. A written notice stating all charge(s) and all reason(s) for the proposed demotion at least 30 calendar days in advance of the effective date of any decision;
  - ii. Representation by an eligible representative, including an attorney;
  - iii. The opportunity to review all materials relied upon to support the reason(s) for the proposal;
  - iv. A reasonable amount of duty time to prepare a reply to the proposal;
  - v. The opportunity to submit a written and/or oral reply to the proposal and consideration of the reply before a decision is made;
  - vi. A written decision before the demotion is effective (and at the earliest practicable date) stating which of the reasons in the advance notice have been sustained, and which have not been sustained;
  - vii. The right to appeal a decision of demotion to the MSPB or to grieve the matter through a negotiated grievance procedure when applicable, but not both; and
  - viii. The right to file an EEO complaint if the employee believes the action was taken as the result of prohibited discrimination.

**NOTES:** 1) The procedural requirements described above for a demotion as a result of misconduct do not apply to a demotion which is a result of a reclassification of a position or a voluntary downgrade.)

2) Alternative discipline may be considered in all the above instances of discipline.

**7. Removal:**

- a. **Is an adverse action;**
- b. Where removal is specified by law; or
- c. As warranted by the misconduct in question and;
- d. By following the procedures described above for a **Suspension of More Than 14 Calendar Days.**

**8. Probationary Termination:**

- a. **Is an adverse action;**
- a. Where action is specified by law, or
- b. As warranted by deficient performance or misconduct
- c. The employee is entitled to:
  - i. A written notice of the termination stating the reason.
  - ii. The right to appeal a probationary termination to the MSPB under limited circumstances or
  - iii. The right to file an EEO complaint if the employee believes the action was taken as the result of prohibited discrimination.

9. **Status During Notice Period:** Except as noted below, an employee will remain in an active duty status during the notice period provided s/he reports for duty to her/his assigned post of duty or requests leave in accordance with standard procedures.

10. **Nonduty, Pay Status:** When there is a reasonable cause to believe an employee has committed a crime for which sentence of imprisonment may be imposed, USCIS may place an employee in a non-duty, pay status for a time not to exceed 10 calendar days and provide the employee a reasonable time, but not less than seven calendar days, to respond to a proposed action. This shortened notice period is commonly known as the crime provision. Upon being informed of such a crime, the supervisor should consult with their servicing LER office before placing the employee in a non-duty, pay status.

There may be other situations, such as where there is a threat to employees or property (or information/databases), when placing an employee in a non-duty, pay status is appropriate. In such cases, LER should be consulted.

11. **Enforced Leave:** Placing an employee on leave without her/his consent usually constitutes a formal disciplinary action subject to the notice requirements described above. There are few exceptions. No supervisor should impose leave without first consulting their servicing LER office.

C. **Records:** The servicing LER office shall maintain confidential disciplinary/adverse action case files. Each file shall contain copies of the notice of proposed action, any written reply, a summary of any oral reply, the notice of decision (including the reasons for it), any order effecting the action, and any supporting material (e.g.—witness statements, affidavits,

documents, investigative reports). Appropriate material within disciplinary/adverse action files must be provided to various parties (e.g.—the MSPB, the affected employee and/or designated representative, a grievance examiner), but need only be furnished in response to a specific request. Records must be maintained and disposed of in accordance with government-wide rule or regulation.

**U.S. Citizenship and Immigration Services  
Discipline and Adverse Actions  
Penalty Determination**

After establishing a sufficient basis for taking action (i.e.—a preponderance of the evidence to support the charge(s) and a connection (nexus) between the charge/offense and the efficiency of the service, the supervisor/manager, in consultation with the servicing LER, must determine the appropriate penalty for the employee's misconduct.

The MSPB in *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981), identified a number of factors—generally referred to as the “Douglas Factors” that must be considered in taking an adverse action. For all adverse actions, supervisors/managers should be prepared to demonstrate that the following factors, where applicable, were considered:

1. 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;
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
3. The employee's past disciplinary record;
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses;
7. Consistency of the penalty with any applicable agency table of penalties;
8. The notoriety of the offense or its impact upon the reputation of USCIS;
9. 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;
10. Potential for the employee's rehabilitation;
11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Not all 12 Douglas Factors will apply in every case. The relevant factors must be balanced in each case to arrive at the appropriate penalty. Frequently, some of the pertinent factors will weigh in the employee's favor while others may not (or even constitute aggravating factors).

It is advisable that when addressing an adverse action case and considering the pertinent mitigating and/or aggravating factors, you do so in conjunction with the assistance of your servicing LER office. While there is no legal requirement to conduct a Douglas Factors analysis in formal disciplinary cases that are not adverse actions, supervisors/managers may find that using the Douglas Factors will be useful to them in determining an appropriate penalty in those cases.

U.S. Citizenship and Immigration Services  
Discipline and Adverse Actions  
Table of Offenses and Penalties

### USCIS TABLE OF OFFENSES AND PENALTIES

The offenses and penalties suggested are guidelines only and are not mandatory. Each situation and/or incident will be considered on its own merits. The penalty will depend on the circumstances including length, frequency, nature of position, and the "Douglas Factors," as appropriate. Not all Douglas Factors will be pertinent in every case. Frequently in an individual case, some pertinent factors will weigh in the employee's favor, while others may not or may constitute aggravating factors. Selection of an appropriate penalty must involve a responsible balancing of the relevant factors in the individual case. Many of the listed offenses apply to misconduct that occurs off-duty where there is some nexus to the job.

#### Multiple Offenses and Selecting a Penalty:

First Offense, Second Offense, etc. refers to the number of times an employee was previously disciplined for misconduct. While there is no requirement that discipline be increased for each and every offense, "progressive" discipline is widely accepted as corrective in nature and something that promotes the "efficiency of the service." The Labor and Employee Relations Branch can assist managers and supervisors in selecting the appropriate penalty.

**NOTE:** Conduct that results in a felony or misdemeanor indictment, or warrant for arrest pending further court proceedings will usually result in an indefinite suspension until the matter is resolved.

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
A	<b>Attendance and Leave</b>				
1	Unexcused tardiness (multiple instances)	These are brief periods of unauthorized absence for which AWOL is not charged against pay; for example, taking excessively long breaks (coffee, cigarette, or lunch break, for example), overdue return after absence from worksite for official business, early departure at the end of the workday, or leaving worksite during the workday without authorization.	Counseling to reprimand	1-day suspension to 5-day suspension	6-day suspension to removal

USCIS MD # 256-002

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
A	<b>Attendance and Leave - cont'd</b>				
2	Absence without leave (AWOL) for one workday or less.	Number of hours in a workday may vary due to Alternative Work Schedules.	Reprimand to 3-day suspension	4-day suspension to 14-day suspension	15-day suspension to removal
3	Absence without leave (AWOL) greater than 1 workday and less than 5 workdays.	Days or hours may or may not be consecutive.	Reprimand to 5-day suspension	6-day suspension to removal	Removal
4	Absence without leave (AWOL) of more than 5 workdays.	Days or hours may or may not be consecutive.	14-day suspension to removal	Removal	
5	Any unauthorized absence resulting in any impairment of mission accomplishment. (Example: Mandatory overtime, and failure to report resulted in mission delay)		1-day suspension to 5-day suspension	6-day suspension to removal	Removal
6	Failure to follow established leave procedures.	When on leave restriction, penalties may be increased.	Reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal
7	Improper use of sick leave or other leave programs.	For example, calling in "sick" when you are in fact not "sick," or engaging in outside employment while on approved sick leave.	Reprimand to 5-day suspension	6-day suspension to removal	Removal
8	Excessive unscheduled absences.	"Excessive" is defined as the average number of unscheduled absences equal to at least 1 absence per pay period in a calendar quarter or other period of time determined by management.	Reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal



	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
A	<b>Attendance and Leave – cont'd</b>				
9	Failing to report to, unexcused delay in reporting for, or unauthorized absence during, an overtime assignment.	Includes both involuntary and voluntary overtime assignments.	1-day suspension to 5-day suspension	6-day suspension to removal	15-day suspension to removal
B	<b>Discriminatory Behavior</b>				
1	Using offensive, demeaning, or degrading remarks, comments, observations, statements, or actions based on another's race, color, religion, national origin, sex, age, disability, sexual orientation, parental status; includes creating a hostile work environment.	Determination in an EEO forum need not be a determining factor to take action.	Reprimand to removal	14-day suspension to removal	Removal
2	(a) Acting or failing to act on an official matter in a manner which improperly takes into consideration an individual's protected group; (b) taking retaliatory action against an individual involved in the EEO complaint process; (c) failing to take appropriate action to prevent or remedy prohibited discrimination or harassment of a subordinate when the supervisory employee knew or should have known the conduct was discriminatory.	For example, in employment, appraisal, advancement or treatment of employees (present and former) and applicants. Determination in an EEO forum need not be a determining factor to take action.  In addition, another example would be retaliating against someone for engaging in informal opposition to discrimination, including complaining to a manager or supervisor about discrimination or harassment occurring in the workplace.	5-day suspension to removal	Removal	

USCIS MD # 256-002

NATURE OF OFFENSES		REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
<b>B Discriminatory Behavior – cont'd</b>					
3	Inappropriate and/or unwelcome verbal or, written communications, or physical conduct, of a sexual nature.	Examples include touching, teasing, gestures, phone calls, notes, emails, jokes, display of visual material, pressure for dates, requests for sexual favors (in egregious cases removal may be warranted on the first offense).	Reprimand to removal	15-day suspension to removal	Removal
4	Taking, threatening to take, or implying that official action will be taken as a result of rejection or submission to a request for sexual favors.  Not taking, threatening not to take, or implying that official action will not be taken, as a result of rejection or submission to a request for sexual favors.	Includes behavior or actions directed to employees and non-employees (such as customers, contractors, vendors, etc.,) favorable or unfavorable, based on granting or withholding a sexual favor.	30-day suspension to removal	Removal	
<b>C Disruptive Behavior</b>					
1	Using rude, impolite, discourteous, disrespectful, unprofessional, obscene, or sexually explicit, derogatory, or similarly inappropriate language, gestures, or conduct to or about other employees or members of the public.		Reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal
2	Using abusive, slanderous, libelous, malicious, or similarly inappropriate language, gestures, or conduct to or about other employees or members of the public.		Reprimand to 14-day suspension	15-day suspension to removal	Removal

USCIS MD # 256-002

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
<b>C</b>	<b>Disruptive Behavior – cont'd</b>				
3	Fighting, threatening, intimidating, attempting to inflict or inflicting bodily harm on another; harassing or provoking a quarrel; engaging in dangerous horseplay; any violent, reckless or disorderly act, language, gesture, or conduct toward other employees or members of the public.		5-day suspension to removal	30-day suspension to removal	Removal
<b>D</b>	<b>Drugs and Alcohol</b>				
1	Unauthorized possession, transfer, storage or consumption of alcoholic beverages while on duty or on Government-owned or leased property (including vehicles).		Reprimand to 14-day suspension	15-day suspension to removal	Removal
2	Refusing or failing to submit to, or interfering with, a properly ordered or authorized drug or sobriety test.	Includes substituting, adulterating, or otherwise tampering with a test sample.	14-day suspension to removal	Removal	
3	Reporting for or being on duty under the influence of alcohol or other impairing legal substance to a degree that would interfere with proper performance of duty, be a risk to safety, or be prejudicial to the maintenance of discipline.	In addition to any disciplinary action, the employee must be immediately removed from duties that put safety or security at risk. Employee should not be allowed to drive. Transportation should be arranged for employee.	Reprimand to removal	5-day suspension to removal	14-day suspension to removal
4	Operating a Government-owned or -leased equipment or vehicle, on- or off-duty, or a privately owned vehicle (POV), on-duty, while under the influence of alcohol, drugs, or other intoxicant.	Includes automobiles, trucks, or other equipment. Under the influence is defined as the legal limit in the jurisdiction in which it takes place.	30-day suspension to removal	Removal	

USCIS MD # 256-002

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
D	<b>Drugs and Alcohol – cont'd</b>				
5	Possession, use, sale, or distribution of illegal drugs; unauthorized possession, use, sale, or distribution of controlled substances.		60-day suspension to removal	Removal	
E	<b>Failure / Refusal to Follow Orders</b>				
1	Insolence, flagrant and/or contemptuous disrespect towards a supervisor <sup>1</sup> or other management official.	Written, verbal, or gesture.	Reprimand to 14-day suspension	15-day suspension to removal	Removal
2	Failure to promptly and fully comply with directions, instructions, or assignments of a supervisor or other management official; failure to follow a regulation, policy, procedure, practice, protocol, or rule.		Reprimand to 14-day suspension	15-day suspension to removal	Removal
3	Willful or intentional delay or refusal to comply with an order, direction, instruction, or assignment of a supervisor or other management official; willful or intentional delay or refusal to follow regulation, policy, procedure, or rules.	Includes insubordination and failure to report for required training or for duty as detailed, transferred, or reassigned.	5-day suspension to removal	14-day suspension to removal	30-day suspension to removal
4	Willful or intentional failure to carry, display, or present required Government identification, badge or credentials on duty or on Government controlled premises.		Reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal

<sup>1</sup> All references to "supervisor" include acting supervisors and team leaders.

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
<b>F</b>	<b>Falsification / Dishonesty / Misstatement</b>				
1	Making misstatements or misrepresentations; failing to provide honest and complete information or displaying lack of candor in any official inquiry or proceeding, including background investigations; failure to provide material fact or pertinent information.	Includes (but not limited to) statements or documents related to travel, employment, promotion, leave forms, attendance logs or records, workers' compensation claims, EEO investigations, OSI or OIG investigations, administrative and judicial hearings, transactions with the public, or any other official record. Investigations, inquiries, or proceedings applies to internal (e.g. DHS or CIS) and external (e.g. any other state or federal agency, police investigator, court, etc.).	Reprimand to removal	14-day suspension to removal	Removal
2	Material and intentional falsification, concealment; omission of fact to mislead; forgery.	Includes (but not limited to) providing false testimony, and knowingly making a false statement or accusation. For employees in positions with the potential to testify in court, this violation often jeopardizes their ability to serve as federal witnesses.	Reprimand to removal	14-day suspension to removal	Removal
3	Unauthorized recording or monitoring of telephone calls, conversations, meetings, electronic communications, etc.		Reprimand to 14-day suspension	15-day suspension to removal	Removal
4	Concealing or covering up an act that violates law, regulation, or DHS or CIS policy.		Reprimand to removal	14-day suspension to removal	Removal

USCIS MD # 256-002

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
<b>F</b>	<b>Falsification / Dishonesty / Misstatement – cont'd</b>				
5	Failure to complete background investigation forms in the prescribed time frame.		Reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal
<b>G</b>	<b>Inquires and Investigations</b>				
1	Failing or refusing to give oral or written statements or testimony or otherwise cooperate in connection with any official inquiry (including internal inquiry), investigation (including EEO) or proceeding; interfering with an official inquiry, investigation, or administrative or adjudicatory proceeding.	Includes attempting to influence others involved in an inquiry, releasing information regarding an official inquiry.	Reprimand to removal	14-day suspension to removal	Removal
<b>H</b>	<b>Integrity and Ethics</b>				
1	Accepting or soliciting a bribe; agreeing to accept or solicit a bribe.	A bribe may include anything of value, loans, or personal gain to the employee or the employee's family or others.	Removal		
2	Failing to promptly report an offer of a bribe or attempted bribe to Office of Security and Integrity (OSI) or to the DHS Office of Inspector General (OIG).	Regardless of personal involvement.	14-day suspension to removal	Removal	

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
H	Integrity and Ethics – cont'd				
3	Use of position or authority for other than official purposes.	May include reprisal against an employee for whistleblowing; directing subordinates to perform work not related to official duties; attempting to use one's position to avoid a legal citation or arrest.	5-day suspension to removal	14-day suspension to removal	Removal
4	Using your government identification, including badges/and or credentials, to attempt to coerce, intimidate, or deceive for private gain or advantage.	Example of "deceive" is using your government identification for a discount that would normally be given only to a government employee who is on official travel, such as a discounted air fare rate. An example of "private gain or advantage" is using your government identification to receive free or discounted services that are not normally provided to federal employees. Examples include using credentials to avoid a speeding or parking ticket, but would not include furnishing identification as proof of federal employment for discounts offered to all federal, all DHS or all USCIS employees.	5-day suspension to removal	15-day suspension to removal	Removal
5	Use of public office for private gain.		14-day suspension to removal	15-day suspension to removal	Removal

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
H	Integrity and Ethics – cont'd				
6	Using Government property, property under government custody, or the property of others for other than official purposes.	Includes querying confidential or sensitive databases for other than official purposes.	Reprimand to removal	15-day suspension to removal	Removal
7	Unauthorized use of the Government-sponsored travel card.	Using any Government-sponsored credit card for other than official and authorized purposes.	Reprimand to 14-day suspension	15-day suspension to removal	Removal
8	Directly or indirectly soliciting a gift or accepting a gift from a prohibited source.	Prohibited source includes any person who does, or seeks to do, business with CIS.	Reprimand to 14-day suspension	15-day suspension to removal	Removal
9	Knowingly and inappropriately associating with informants; knowingly associating with illegal aliens or persons connected with criminal activities.	Includes social, romantic, sexual, financial (including acceptance of gifts), or business relationship.	14-day suspension to removal	15-day suspension to removal	Removal
10	Knowingly assisting or participating in activities that jeopardize DHS' or CIS' mission.		14-day suspension to removal	30-day suspension to removal	Removal
11	Conflict of interest with the mission of CIS.	For example, serving as an officer with or without pay in an organization whose interests conflict with CIS' mission, certain financial interests.	Reprimand to removal	30-day suspension to removal	Removal
12	Violating a conflicts of interest law; or violating the Government-wide ethical standards of conduct; or giving the appearance of a conflict of interest.		Reprimand to 14-day suspension	15-day suspension to removal	Removal



	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
H	<b>Integrity and Ethics – cont'd</b>				
13	Direct or indirect bidding, or purchase at auction or sale, of Government property under direction or incident to the function of CIS.		Reprimand to 14-day suspension	15-day suspension to removal	30-day suspension to removal
14	Borrowing substantial sum(s) of money from a subordinate employee, securing a subordinate's endorsement on a loan, or otherwise having a subordinate assume the financial responsibility of a superior.		Reprimand to removal	15-day suspension to removal	Removal
15	Direct or indirect solicitation, or acceptance, of a gift from a subordinate.		Reprimand to 14-day suspension	15-day suspension to removal	Removal
16	Soliciting for, or giving, a gift or donation, to an official superior.		Reprimand to 14-day suspension	15-day suspension to removal	Removal
17	Failure to obtain required approval before engaging in outside employment.		Reprimand to 3-day suspension	5-day suspension to removal	14-day suspension to removal
18	Seeking employment with persons or businesses affected by the performance or non-performance of the employee's official duties.		Reprimand to removal	14-day suspension to removal	Removal
19	Entering into an unauthorized procurement commitment or personal services contract.	Whether or not an employee is authorized to conduct procurement actions or decisions.	Reprimand to 14-day suspension	15-day suspension to removal	Removal

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
H	Integrity and Ethics – cont'd				
20	Unauthorized canvassing, soliciting, or peddling at DHS or CIS worksite or while on-duty.	Includes canvassing or fundraising for charitable causes or organizations. Currently, the Combined Federal Campaign is the only authorized charity, unless otherwise notified.	Reprimand to 1-day suspension	2-day suspension to 14-day suspension	Removal
21	Failure to honor just debts or legal obligations in a timely manner.	Includes untimely payment of Government-sponsored travel card bills.	Reprimand to 14-day suspension	15-day suspension to removal	Removal
22	Engaging in political activity that violates the Hatch Act.	Alleged Hatch Act violations are referred to the Office of Special Counsel for investigation and if warranted prosecution before the MSPB; if a violation is found, the MSPB will order removal or, by unanimous decision, may order a suspension of not less than 30 days.	30-day suspension to removal (See NOTE at left)	30-day suspension to removal (See NOTE at left)	30-day suspension to removal (See NOTE at left)
23	Interfering with employees' rights, or taking reprisal against employees for exercising their rights, to file or participate in a grievance or appeal, or for their affiliation or non-affiliation in labor unions.		Reprimand to 14-day suspension	15-day suspension to removal	Removal
24	Ethics violation not elsewhere covered in this Table.		Reprimand to removal	5-day suspension to removal	14-day suspension to removal

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
H	<b>Integrity and Ethics – cont'd</b>				
25	Committing a prohibited personnel practice not elsewhere covered in this Table.		Reprimand to removal	5-day suspension to removal	14-day suspension to removal
I	<b>Neglect of Duty</b>				
1	Delay in carrying out orders, work assignments, instructions of superiors, policies, or procedures.		Reprimand to 3-day suspension	5-day suspension to removal	14-day suspension to removal
2	Failure to follow applicable laws, rules, regulations, or policies in the performance of duties.		Reprimand to 14-day suspension	15-day suspension to removal	Removal
3	Interference with other employees in the performance of official duties.	Includes deliberate as well as reckless or negligent conduct.	Reprimand to 30-day suspension	31-day suspension to removal	Removal
4	Engaging in or encouraging a strike, work stoppage/slowdown, or sick out.		Removal		
5	Sleeping on the job or inattention to duty where there is no potential danger to life or property or potential loss of revenue.		Reprimand to 3-day suspension	5-day suspension to removal	14-day suspension to removal
6	Sleeping on the job or inattention to duty where human life, property, or revenue, is jeopardized or damage/injury/loss actually occurred.		14-day suspension to removal	Removal	
7	Failure to comply with policy or delegated authority in administering disciplinary action.		Reprimand to 14-day suspension	15-day suspension to removal	Removal

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
I	<b>Neglect of Duty – cont'd</b>				
8	Negligent or careless performance of assigned duties where an inspection, investigation, or other enforcement function is substantially and negatively impacted.	In circumstances where life or safety was placed in jeopardy, removal may be warranted on the first offense.	5-day suspension to removal.	15-day suspension to removal	Removal
J	<b>Personal Appearance and Hygiene/Uniform Requirements</b>				
1	Failure to maintain a neat, clean, and/or businesslike appearance, or to comply with uniform or dress standards while on duty.		Reprimand to 3-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
2	Failure to maintain proper hygiene to the extent that it is either a health and safety consideration or disruptive in the workplace.		Reprimand to 3-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
K	<b>Property Misuse / Loss / Damage</b>				
1	When willfulness or intent is not a factor, improper or negligent operation of Government-owned or -leased equipment and other property.	Includes automobiles and other equipment.	Reprimand to 14-day suspension	15-day suspension to removal	Removal
2	Losing or damaging Government property, equipment, records, etc.; concealing, removing, mutilating, altering, or destroying Government records, prior to expiration of retention guidelines.	Penalty depends on such factors as value of property, extent of damage, and degree of fault.	Reprimand to removal	15-day suspension to removal	Removal

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
K	Property Misuse / Loss / Damage – cont'd				
3	Willful misuse of (or authorizing the misuse of) any Government-owned or -leased passenger vehicle; authorizing the use of Government vehicle for other than official purposes.		30-day suspension to removal	60-day suspension to removal	Removal
4	Unauthorized personal use of Government computers, software systems, fax machines, telephones, copiers, etc.	Unauthorized includes use that interferes with one's work or the work of others, or excessive personal use of such equipment or systems.	Reprimand to 14-day suspension	15-day suspension to removal	Removal
5	Failure to make restitution for improper use of Government computers, software systems, fax machines, telephones, copiers, etc.		5-day suspension to removal	30-day suspension to removal	Removal
6	Misuse of Transit Subsidy Program, Official Parking and/or parking permits.		Reprimand to removal	15-day suspension to removal	Removal
7	Use of CIS Internet and/or CIS system to access, seek, review, download, transmit, and/or store sexually explicit material.		30-day suspension to removal	60-day suspension to removal	Removal
8	Use of CIS Internet and/or CIS system to seek, review, download and/or store child pornography.		Removal		
9	Unauthorized use of TECS or other Law Enforcement computer programs or resources.		5-day suspension to removal	15-day suspension to removal	Removal

USCIS MD # 256-002

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
K	<b>Property Misuse / Loss / Damage – cont'd</b>				
10	Unauthorized access to immigration systems of records.		5-day suspension to removal	15-day suspension to removal	Removal
L	<b>Reporting Responsibilities</b>				
1	Failure to immediately report one's own arrest to superiors and Office of Security and Integrity.		Reprimand to 14-day suspension	5-day suspension to removal	14-day suspension to removal
2	Failure to immediately report an actual or suspected information security breach (i.e. PII or National Security)		Reprimand to 5-day suspension	14-day suspension to removal	Removal
3	Concealing or failing to report missing, lost, or damaged Government property or funds, or property or funds in the Government's custody or care.		Reprimand to 5-day suspension	14-day suspension to removal	Removal
4	Failure to report an accident or injury to a person, including oneself, or damage to property, arising from acts committed on-duty or occurring within the scope of employment.		Reprimand to 5-day suspension	14-day suspension to removal	Removal
5	Failure to promptly report violations of law/rule/regulation enforced by CIS.		14-day suspension to removal	30-day suspension to removal	30-day suspension to removal
6	Failure to timely complete or submit required financial disclosure forms.		Reprimand to 5-day suspension	6-day suspension to 14-day suspension	15-day suspension to removal

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
<b>L</b>	<b>Reporting Responsibilities – cont'd</b>				
7	Failure to report misconduct. Failure to report information concerning violation of any law, policy, or procedure by a CIS employee.	This includes failure to self-report misconduct and/or violations.	Reprimand to removal	5-day suspension to removal	30-day suspension to removal
<b>M</b>	<b>Safety / Security / Health</b>				
1	Failure to observe and/or enforce safety and health regulations, rules, signs, and instructions, or to perform duties in a safe manner; failure to wear protective clothing and equipment, including vehicle safety restraints; failure to observe rules, posted signs, emergency alarms, oral safety instructions.		Reprimand to 14-day suspension	15-day suspension to removal	Removal
2	Endangering the safety of, or causing injury to, any person through carelessness or failure to follow instructions.		5-day suspension to removal	14-day suspension to removal	Removal
3	Willful or reckless disregard for the safety of others.		30-day suspension to removal	Removal	
4	Violation of local traffic laws of any state or political subdivision while operating a Government-owned or -leased vehicle.		Reprimand to 14-day suspension	15-day suspension to removal	Removal
5	Violation of traffic regulations, reckless driving, or improper operation of a vehicle on Government-controlled premises.	This includes POVs or GOVs. Disciplinary action may be taken in addition to any applicable traffic fine or penalty.	Reprimand to 14-day suspension	15-day suspension to removal	Removal

	NATURE OF OFFENSES	REFERENCES/ EXPLANATORY NOTES	FIRST OFFENSE	SECOND OFFENSE	PENALTY FOR SUBSEQUENT OFFENSES
<b>M</b>	<b>Safety / Security / Health – cont'd</b>				
6	Violation of security procedures covering information, documents, records, or other material classified or sensitive to the Government, including Privacy Act protected records.		Reprimand to 14-day suspension	15-day suspension to removal	Removal
7	Unauthorized disclosure of information, documents, records, or other material classified or sensitive to the Government, including Privacy Act protected records.		Reprimand to removal	15-day suspension to removal	Removal
8	Unauthorized access, or providing unauthorized access, to classified or Law Enforcement sensitive systems or information.	Includes either personal access or providing someone access without authorization.	Reprimand to 14-day suspension	15-day suspension to removal	Removal
<b>N</b>	<b>Unauthorized Takings or Possession</b>				
1	Unauthorized use, removal, or possession of a thing of value belonging to another employee or private citizen; colluding with others to commit such acts.		Reprimand to removal	15-day suspension to removal	Removal
2	Actual or attempted theft, or other unauthorized taking, diversion, or possession of funds or property, owned or controlled by the Government; colluding with others to commit such acts.		Reprimand to removal	15-day suspension to removal	Removal

USCIS MD # 256-002