



U.S. General Services Administration (GSA)

GSA Order: Maintaining Discipline

HRM 9751.1B

Office of Human Resources Management

Purpose:

This Order provides guidance on handling disciplinary actions and includes the Agency's Table of Penalties.

Background:

This Order has been revised to comply with the January 20, 2025 Executive Order (EO) 14171, Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce. EO 14171 revokes EO 14003 issued on January 22, 2021, and requires that any changes made to agency disciplinary policies under section 3(e)(v) and 3(f) of EO 14003 be rescinded.

Applicability:

This Order applies to all GSA employees. The following are exceptions:

1. The Office of Inspector General (OIG), given its independence under the Inspector General Reform Act of 2008 (5 U.S.C. §§ 401-424).
2. The Civilian Board of Contract Appeals, due to its independent authorities.

Cancellation:

This Order supersedes GSA Order HRM 9751.1A, Maintaining Discipline, dated July 14, 2022.

Summary of Changes:

In accordance with EO 14171, the Order has been updated to rescind changes previously made pursuant to EO 14003. This updated Order:

1. Requires consideration of all past misconduct (not only similar past misconduct) when taking a disciplinary action;
2. Removes reference to settlement agreements that allow for disciplinary actions to be removed or omitted from an employee's Official Personnel Folder;
3. Requires that to the extent practicable, decisions on proposed removals be issued within fifteen (15) days of the end of the employee reply period;
4. Provides that progressive discipline is not required in all cases and that the penalty for an instance of misconduct should be tailored to the facts and circumstances;

5. Provides that the removal procedures set forth in Chapter 75 of Title 5, United States Code should be used in appropriate cases to address instances of unacceptable performance; and
6. Removes references to the negotiated grievance procedure in compliance with EO 14251, Exclusions from Federal Labor Relations-Management Relations Program.

Roles and Responsibilities:

1. The Office of Human Resources Management will assist supervisors and managers in addressing employee conduct and will carry out this policy in accordance with applicable laws and regulations.
2. Executives in the Office of the Administrator, Heads of Services and Staff Offices (HSSOs) and Regional Administrators (RAs) are responsible for the maintenance of discipline and adherence to the standards of conduct by officials and employees under their jurisdiction.
3. Immediate supervisors, in all instances, have the primary responsibility for acquainting employees with the standards of conduct, maintaining discipline and morale, and initiating appropriate corrective action when it becomes necessary. This is a daily responsibility of supervisors and not merely action taken at times when the employee may deviate from acceptable forms of conduct. Supervisors must thoroughly understand the purposes of disciplinary action and the methods for taking proper corrective action.

Signature

/S/_____

Arron E. Helm

Chief Human Capital Officer

Office of Human Resources Management

6/16/2025_____

Date

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1. Introduction

1.1. This policy provides guidance on handling disciplinary actions and includes the Agency's Table of Penalties.

1.2. The maintenance of good group discipline in GSA and the handling of disciplinary actions, when required, are to be carried out under the following basic principles:

- a. Primary emphasis is to be placed on positive action by supervisors to prevent situations requiring disciplinary actions.
- b. Employees are expected to adhere to high standards of conduct. When they violate the rules, regulations, or standards of conduct, they will be dealt with in a timely manner and adequately, on a fair and equitable basis.
- c. Disciplinary action should be consistent with the principle of like penalties for like offenses, with due consideration for the employee's past record and any other circumstances that, in the exercise of reasonable judgment, detract from or add to the seriousness of the offense.

1.3. The positive meaning of discipline

1.3.1. Good group discipline is more than compliance with regulations and standards of conduct; it implies an understanding of why the rules are necessary and confidence that they will be enforced fairly. Good group discipline means cooperation among the members of the group, and between the leader and the group. It acts as a positive force on the members of the group leading to a high degree of self-discipline or control which is self-motivated rather than imposed by higher authority. The extent to which it exists in a group is an indicator of the quality of supervision.

1.3.2. Since it is an intangible quality, good group discipline is not easily measured by any yardstick. It can best be described by reference to those employee attitudes that characteristically accompany and foster its development. When the following factors are present, group discipline of a high order will prevail:

- a. An understanding of and interest in the organization's activities, including a clear understanding of how individual performance requirements fit into the overall work program.
- b. A sense of pride in the accomplishments of the group.
- c. Teamwork, or the willingness to contribute in ways that reflect credit on the group as a whole.
- d. Freedom to express opinions and suggestions, with the assurance that they will receive consideration.
- e. A reasonable sense of security in employment.
- f. Knowledge that each individual's contribution is regarded as significant and is fairly appraised on its merits.
- g. Confidence in the consideration, understanding, and integrity of supervisors.

1.3.3. The one essential ingredient for good group discipline is effective leadership starting from the top and working down. Positive supervisory practices exhibited on a continuing day to day basis are needed for employees to recognize and reinforce correct habits of conduct. The constructive influence of leading by good example is as effective as any other learning experience.

1.4. The purposes of disciplinary actions.

1.4.1. Individual disciplinary actions sometimes become necessary even in the best-managed groups. The way the supervisor deals with each case will have an effect, positively or negatively, on general group discipline. The procedures and general instructions in this part will furnish guidance to supervisors in carrying out their responsibilities for taking disciplinary action. They do not substitute for constant vigilance to prevent the occurrence of infractions, for careful judgment in the application of penalties, or for follow-up action to evaluate the effectiveness of the measures taken.

1.4.2. The purpose of disciplinary action is to prevent the recurrence of misconduct, to improve the employee's attitude and behavior, and to maintain discipline and morale among other employees. Every disciplinary action should be weighed with these objectives in mind. Where there is confidence that these purposes can be accomplished through counseling or verbal admonishment, formal disciplinary action should not be taken.

2. Authority to Take Disciplinary Action

2.1. GSA's Delegations of Authority Manual delegates the authority to take disciplinary action to executives in the Office of the Administrator, HSSOs, and the RAs.

2.2. In the absence of other designation or limitation, the first-line supervisor, another supervisor in the chain of command or a designated supervisor outside of the chain of command may issue Warning Notices and Reprimands. Designations of officials outside the chain of command should be made in consultation with the Office of Human Resources Management (OHRM) and the Office of General Counsel (OGC).

2.3. In the absence of other designation or limitation, the Proposing Official for disciplinary actions and adverse actions (*i.e.*, suspensions of more than 14 days, furloughs without pay of 30 days or less, reductions in grade or pay, or removals) may be the first-line supervisor, another supervisor in the chain of command or a designated supervisor outside of the chain of command. The Deciding Official for these actions may be a higher level supervisor in the chain of command or designated supervisor outside of the chain of command. Designations of Proposing or Deciding Officials outside the chain of command should be made in consultation with OHRM and OGC.

2.4. All disciplinary actions require prior concurrence of the appropriate servicing Human Resources Office to ensure compliance with applicable regulations.

2.5. The servicing Human Resources Office is responsible for obtaining appropriate legal review, with the support and advice of the Office of General Counsel (OGC).

3. Non-Disciplinary Letters of Instruction or Counseling

3.1. A letter of instruction or counseling is an informal notification from a supervisor calling an employee's attention to the need to improve in areas such as conduct, performance or attendance. For example, a supervisor might address a letter to an employee regarding the amount of sick leave or emergency annual leave used (which, though approved, appears excessive) or the need to pay closer attention to verbal instructions. Whether issued orally or in writing, such reminders are a regular part of daily supervision and are not considered penalty actions.

3.2. Copies of letters of instruction or counseling are maintained by the supervisor and are not filed in the employee's official personnel folder. Such letters may not be cited as previous disciplinary offenses for determining whether a second or third offense has occurred in determining a penalty. They may, however, have significance as supporting documents if formal discipline becomes necessary later--showing, for example, that an employee was fully aware of the nature of the misconduct.

4. Warning Notices

4.1. A warning notice is a letter calling an employee's attention to an infraction (ordinarily a first offense not too serious in nature) and warning the employee of the consequences of a repetition of misconduct. In addition, each warning notice will inform the employee that:

- a. A copy of the warning notice will be placed in the employee's official personnel folder;
- b. The employee may submit a written statement or explanation to be included in the personnel folder within 30 calendar days of receipt;
- c. The warning notice will be withdrawn from the personnel folder after one (1) year; and
- d. The employee may use the GSA administrative grievance procedure to contest the propriety of the action.

4.2. A warning notice will be withdrawn from the official personnel folder after a maximum of one (1) year. At the discretion of the issuing officer, it may be withdrawn earlier. In determining whether a notice should be withdrawn in less than a year, the supervisor will consider the employee's conduct, performance, and general attitude toward the job subsequent to the issuance of the warning. The employee will be notified in writing when a warning notice is withdrawn in less than one (1) year after the date of issuance. The knowledge that the notice may be withdrawn should provide the employee with a strong incentive to observe the rules of conduct. When a warning notice is withdrawn, the offense may not be cited as a previous offense to support a determination that a second or third offense has occurred in the event of future

misconduct. It may, however, be used to demonstrate that the employee understood that the conduct involved was prohibited or has failed to respond to repeated counseling.

5. Official Reprimands

5.1. A reprimand is a formal notice of official censure for a violation of a rule of conduct, law, regulation, official instruction, or specified responsibility. It also may be given for repetition of an infraction for which the employee has previously been warned, or it may be given at the point where an accumulation of two or more different offenses call for more serious action than a warning. A copy of each reprimand is filed in the official personnel folder as a temporary record, and is withdrawn after a maximum of three (3) years. At the discretion of the issuing officer, it may be withdrawn earlier, in which event, the employee should be notified in writing. When a reprimand is withdrawn, the offense may not be cited as a previous offense to support a determination that a second or third offense has occurred in the event of future misconduct. It may, however, be used to demonstrate that the employee understood that the conduct involved was prohibited or has failed to respond to repeated counseling.

5.2. The notice of reprimand will explain the reasons for issuance specifically and in detail, and will warn the employee that future violations may result in more severe disciplinary action. In addition, each notice of reprimand will inform the employee that:

- a. A copy of the official reprimand will be placed in the employee's official personnel folder;
- b. The reprimand will be withdrawn from the personnel folder after three (3) years;
- c. The employee may submit a written statement or explanation to be included in the personnel folder within 30 calendar days of receipt; and
- d. The employee may use the GSA administrative grievance procedure to contest the propriety of the penalty.

6. Suspensions

6.1. A suspension is the placement of an employee in a temporary non-duty, non-pay status for disciplinary reasons. It may be recommended as a penalty action for a serious first offense; for a less serious offense taking into consideration the employee's disciplinary record and past work record, including all past misconduct (not only similar past misconduct); or when more than one offense has occurred each of which, standing alone, might not warrant a suspension.

6.2. The effectiveness of suspension as a penalty action should be carefully considered in each case. In instances in which it is believed that drastic action is necessary to secure adherence to required standards, a suspension may be effective where counseling, warnings, and reprimands have failed. The loss of the employee's services during the suspension can be a penalty on the agency and on other employees who must assume the duties of the offender during their absence. Loss of pay for several days may mean serious

hardship for the employee's family or may result in indebtedness that could have an adverse rather than a beneficial effect on the future conduct record of the individual. Since a suspension is usually a matter of common knowledge, it can be expected that in some instances an employee's ability to do an effective job may be impaired, depending on the demands of the position he holds. Therefore, this penalty should normally be imposed after careful review of the considerations outlined here and in par. 6.1. above.

6.3. Suspension should not be a substitute for removal in circumstances in which removal would be appropriate. However, if the offense is of such a serious nature that removal is considered, but because of extenuating circumstances it is decided to retain the employee in the service, suspension may be the only penalty appropriate to reflect the degree of agency disapproval.

7. Removals and Demotions

7.1. Removal is a drastic penalty that may be imposed for repeated violations or offenses, or for one or more offenses involving serious misconduct or delinquency. Since removal on charges of misconduct can be expected to make it difficult or even impossible for the employee to continue their Government career in another agency, the step should be taken only after weighing the evidence and determining that such action is necessary to promote the efficiency of the service.

7.2. Supervisors should be mindful of two obligations. Their obligation to the Government demands that standards be upheld and that employees who deliberately violate the standards be removed. By law, actions must not be arbitrary or unreasonable, and must in every case be adequately supported by a preponderance of evidence.

7.3. On occasion, demotion to a lower grade position may be taken as a penalty action in lieu of removal or as an appropriate response to a given situation in its own right. For example, demotion from a supervisory to a non-supervisory position could be a reasonable penalty where the misconduct is related to supervisory duties, but the record evidences that the individual would be a productive non-supervisory employee. Whenever demotion is considered as a penalty action, the determination should be based on what is believed to be a reasonable expectation of attitude and conduct in the lower grade position. The nature of the misconduct and the individual concerned will affect the decision.

7.4. Frequently, employees prefer to resign rather than to face removal charges. This outcome is desirable from the standpoint of economy, and a resignation should be accepted under such circumstances. A resignation should never be obtained under duress or demanded as an alternative to some other action to be taken, but it is perfectly acceptable to present the employee with the hard choice of resignation or potential removal. If an employee resigns after receiving a removal proposal, Chapter 31 of the Office of Personnel Management (OPM) Guide to Processing Personnel Actions requires that the Standard Form 50, Notification of Personnel Action, show under "Remarks" that the employee resigned while an action was pending to separate them, giving the reasons. The employee should be informed that the information regarding their misconduct has become a matter of permanent record.

7.5. To the extent practicable, decisions on proposed removals should be issued within fifteen (15) business days of the end of the employee reply period.

8. General cautions

Disciplinary actions are complex matters that should be undertaken only with the advice and assistance of the servicing Human Resources Office. Supervisors should seek Human Resources' advice at the first sign of conduct problems (or poor performance) before the problems worsen. If appropriate corrective steps are taken early, conduct and performance may be improved and formal action will be unnecessary.

9. Timing of the action

9.1. Supervisors should not store up criticisms but should discuss any perceived problems with employees as soon as such problems arise. When the circumstances call for disciplinary action, it should be taken promptly and deliberately. Delay in taking disciplinary action tends to diminish its effectiveness.

9.2. The setting of maximum time limits to issue actions is not practicable because of the many variables that can affect timing even with high priority attention.

9.3. When a report of investigation is received from the Office of Inspector General, it should receive especially high priority attention. (See also Section 11, below.)

9.4. Refer to Section 12 concerning violations involving information security.

9.5. To the extent practicable, the written notice of adverse actions should be limited to the thirty (30) days prescribed in section 7513(b)(1) of title 5, United States Code.

10. Inquiry to determine the facts

10.1. In the instance of suspected irregularities involving fraud against the Government, wrongdoing that might be punishable as a criminal offense, or any type of misconduct as outlined in Appendix A, Table 2 of the Penalty Guide supervisors should not initiate their own inquiries but must report the matter immediately to the OIG or to the local Field Investigations office with a request for OIG investigation or authorization to proceed with administrative action. Should the OIG determine that the irregularity does not warrant conducting an official investigation, the appropriate GSA official should conduct an inquiry as outlined in this section to determine the nature and extent of administrative action to be taken.

10.2. Appendix A, Table 1 lists offenses that will normally be the subject of inquiry and report by an appropriate supervisor. However, if the offense is of a serious nature that may lead to removal and if facts cannot be adequately ascertained by the supervisor, a request may be made for initial or supplemental investigation by the OIG.

10.3. The following steps are recommended to guide the supervisor in conducting an inquiry to secure the facts needed to determine what disciplinary action, if any, is warranted:

- a. Interview the employee who has allegedly committed an offense.
- b. Interview witnesses and any others who can provide pertinent information.
- c. Try to reconcile any conflicting statements or other evidence. Re-interview the parties concerned if appropriate.

10.4. The instructions in paragraphs b and c above do not apply when sufficient evidence to provide a proper basis for disciplinary action is available from other sources, such as an investigation report from the OIG, a police or court record, or an OPM finding that an employee has falsified an application for employment.

11. OIG Reports and Positive Drug Test Results

Investigation reports from the OIG and positive drug test results from the Medical Review Officer (MRO) are sent to HSSOs and RAs. It is recommended that such reports be referred for action at the Division Director level or above. Since these reports frequently involve sensitive issues subject to close scrutiny both within and outside of the agency, managers to whom they are referred should always consult with the human resources and legal officials before proceeding to prepare disciplinary proposals or take other action.

12. Security violations

Any person who suspects or has knowledge of a violation, including the known or suspected loss or compromise of Classified National Security Information, shall promptly report the violation to the individual's local GSA Site Security Manager and the GSA Chief Security Officer (OMA).

13. Penalty guide

13.1. Appendix A, Tables 1 and 2, list offenses together with a guideline for the range of penalties that supervisors and deciding officials may consider for first, second, and third offenses. Ultimately, the penalty for an offense should be tailored to the facts and circumstances, and the Tables are only a guide. Penalties for offenses not listed should be determined by reference to the penalties listed for offenses of a similar type or of comparable seriousness. Offenses listed in Table 1 are normally investigated by line supervisors, while offenses listed in Table 2 must be referred to the OIG.

13.2. In determining which penalty is most appropriate, within the range provided by the guide, consider and balance factors relevant to the case. Listed below are factors generally recognized as relevant to penalty selection. Not all of these factors will be pertinent in every case. Some of the factors may weigh in the employee's favor, while others may not or may even constitute aggravating circumstances. Selection of an appropriate

penalty involves a responsible balancing of the relevant factors listed in *Douglas v. Veterans Administration*, 5 MSPB 313, 5 MSPR 280, 306 (1981) in each case.

(1) The nature and seriousness of the offense, and its relation to the employee's 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. The supervisor and deciding official have discretion to take into account an employee's disciplinary record, including all past misconduct (not only similar past misconduct).

(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) The consistency of the penalty with those imposed upon other employees for the same or similar offenses.

(7) The consistency of the penalty with the Penalty Guide.

(8) The notoriety of the offense or its impact upon the reputation of the agency.

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

(10) The potential for the employee's rehabilitation.

(11) Any 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.

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

13.3. The Tables are only a guide. The facts and circumstances of an employee's offense may dictate a greater or lesser penalty than that provided by the Tables, except where the guide indicates that the penalty is specified by law. For example, the rules and case law governing "reasonable accommodation" might counsel reducing the penalty or foregoing discipline altogether while an employee pursues treatment for a handicapping condition that directly influenced the misconduct at issue.

13.4. In taking disciplinary action, supervisors and deciding officials have discretion to take into account an employee's disciplinary record and past work record, including all past misconduct (not only similar past misconduct).

13.5. When the past record involves an offense or offenses unrelated to the current offense, or when two or more offenses are being considered for disciplinary action at the same time, a greater penalty than would be imposed for a first offense may be appropriate. In these cases, the severity of the penalty should take into account the total pattern of behavior. It should also be noted that the penalty guide does not require a progression through all possible disciplinary actions prior to removal.

13.6. Where appropriate, demotion may be used in place of removal.

13.7. Suspension should not be a substitute for removal in circumstances in which removal would be appropriate.

13.8. Supervisors and deciding officials are not required to use progressive discipline. The penalty for an instance of misconduct should be tailored to the facts and circumstances.

14. Relationship Between Disciplinary Actions and Actions for Unacceptable Performance

14.1. Suspensions, demotions, and removals for misconduct, are generally taken under the adverse action procedures in 5 CFR Part 752. Under the Civil Service Reform Act of 1978, however, alternate procedures were specifically established in 5 CFR Part 432 to lessen the burden of proof in cases based on unsatisfactory performance. Part 432 procedures can be used when an action is based solely on unacceptable performance in one or more critical elements. The adverse action procedures in 5 CFR Part 752 can also be used for performance-related demotions or removals. But, since Part 752 actions require a greater degree of proof than Part 432 actions, they are generally used in performance cases only where poor performance is mixed with misconduct or other problems not clearly falling under the category of unacceptable performance in one or more critical elements. The removal procedures set forth in Chapter 75 of Title 5, United States Code (Chapter 75 procedures), should be used in appropriate cases to address instances of unacceptable performance.

14.2. Supervisors should work particularly closely with the designated Human Resources (HR) Specialist in the Workforce Relations Services Center when confronting situations involving both performance problems and misconduct.

15. Further Considerations When Processing Disciplinary Actions

OPM has issued Government-wide regulations governing the processing of both Part 432 and Part 752 actions. Because the regulations are complex and detailed, specific agency-wide procedures for processing such actions are not necessary. (See GSA Order

HRM 9430.2, GSA Associate (Employee) Performance Plan and Appraisal System (APPAS), for a general description of Part 432 procedures). It should be noted that the procedural requirements of the Competitive Service are not always applicable to Excepted Service or temporary employees. The Office of Human Resources Management (OHRM) and OGC must always be consulted when considering suspensions, demotions, or removals.

16. Appendix

Penalty Guide - Table 1

Type of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
<p>1. Reporting for duty or being on duty under the influence of intoxicants or drugs to such an extent as to render the employee unfit for duty. Also using or selling intoxicants (not controlled substances) on Government-owned or leased premises, or possessing intoxicants on Government property where such possession has been prohibited.</p> <p>a. Where safety of persons or property is not endangered thereby.</p> <p>b. Where safety of persons or property is endangered thereby.</p>	<p>Reprimand to suspension</p> <p>Suspension to removal</p>	<p>Suspension to removal</p> <p>Removal</p>	<p>Removal</p>
2. Driving a Government vehicle (or privately-owned car on official business) while under the influence of intoxicants or drugs.	Suspension to removal	Removal	
3. Use of illegal drugs by employees serving in positions designated for drug testing as confirmed by a positive test result.	Reprimand to removal	Removal	
4. Refusal to take a drug test	Removal		
5. Recurring tardiness: Being late for work (up to 30	Warning notice	Reprimand to	Suspension to removal

minutes) without adequate justification.		suspension	
6. Absence from duty for less than one workday without permission or without adequate justification (e.g., tardiness of more than 30 minutes; unauthorized delay in returning from lunch/break periods or in returning after leaving work station on official business; leaving the job without permission); failure to follow instructions for notifying supervisor or obtaining approval for absences of less than one workday.	Warning notice to reprimand	Reprimand to suspension	Suspension to removal
7. Absence from duty for one workday or more without permission or adequate justification; failure to follow instructions for notifying supervisor and obtaining approval for absences of one workday or more. (When absence exceeds 10 calendar days without permission or adequate justification, the penalty of removal may be imposed for the first offense.)	Reprimand to removal	Suspension to removal	Removal
8. Misuse of sick leave such as working at another job during any period of sick leave, or using sick leave for absences unrelated to illness or medical care (in which case the leave should be changed to AWOL in addition to appropriate discipline) or failure to follow instructions for notifying the supervisor or obtaining approval for	Warning notice to removal	Reprimand to removal	Removal

absence.			
9. Failure to follow supervisory instructions without willful intent.	Warning notice to reprimand	Reprimand to suspension	Suspension to removal
10. Insubordination; refusal to comply with authorized instructions issued by a supervisor.	Reprimand to removal	Suspension to removal	Removal
<p>11. Neglect of duty: Sleeping on duty, loafing, failure to be at work on task assigned, unreasonable delay or failure in carrying out instructions, conducting personal affairs on official time, or careless workmanship resulting in waste or delay.</p> <p>a. Where safety of persons or property is not endangered.</p> <p>b. Where safety of persons or property is endangered.</p>	<p>Warning notice to reprimand</p> <p>Reprimand to removal</p>	<p>Reprimand to suspension</p> <p>Removal</p>	Removal
12. Disrespectful conduct toward a supervisor or other management official	Reprimand to suspension	Suspension to removal	Removal
<p>13. Disorderly conduct.</p> <p>a. Use of abusive or offensive language; making demeaning remarks or comments; quarreling; creating a disturbance which adversely affects production or morale.</p> <p>b. Fighting, threatening, attempting to inflict or inflicting bodily injury to another individual.</p>	<p>Reprimand to removal</p> <p>Suspension to removal</p>	<p>Suspension to removal</p> <p>Removal</p>	Removal

14. Misconduct of a sexual nature such as unwelcome sexual remarks, indecent comments/jokes, offensive sexual banter, unwanted sexual advances, or unwelcome physical touching.	Reprimand to removal	Suspension to removal	Removal
15. Violation of regulations where safety of persons or property is endangered (other than 1 and 10 above).	Reprimand to removal	Suspension to removal	Removal
16. Indebtedness: failure to demonstrate conscientious effort to pay financial obligations in a proper or timely manner, or to live up to arrangements agreed upon for payment. (Note: Conduct involving personal financial obligations should be carefully evaluated for nexus to employment)	Warning notice to reprimand	Reprimand to suspension	Suspension to removal
17. Failure to report outside employment, business or professional activity when required. a. When no conflict of interest is involved b. When a conflict of interest is involved	Warning notice Reprimand to removal	Reprimand Removal	Suspension to removal
18. Failure to observe security or safety regulations or orders. a. Where the violation involves information classified Secret or above. b. Where the violation	Reprimand to removal Reprimand	Removal Suspension	Removal

<p>involves information classified below Secret.</p> <p>c. Where the violation does not involve documents/data (e.g., building security protocols)</p>	<p>to removal</p> <p>Reprimand to removal</p>	<p>to removal</p> <p>Suspension to removal</p>	<p>Removal</p>
<p>19. Falsification; Knowingly providing incorrect or incomplete information with the intent to deceive; Making misstatement or misrepresentation with the intent to mislead.</p>	<p>Reprimand to suspension</p>	<p>Suspension to removal</p>	<p>Removal</p>
<p>20. Lack of candor; Failure to disclose information that should have been disclosed in order to make a statement accurate and complete</p>	<p>Reprimand to suspension</p>	<p>Suspension to removal</p>	<p>Removal</p>
<p>21. Conduct Unbecoming a Federal Employee: Misconduct which is unsuitable, detracts from one's character or reputation or creates an unfavorable impression</p>	<p>Reprimand to removal</p>	<p>Suspension to removal</p>	<p>Removal</p>
<p>22. Off-duty misconduct</p> <p>(Note: Conduct must be carefully evaluated for nexus to employment)</p>	<p>Reprimand to removal</p>	<p>Suspension to removal</p>	<p>Removal</p>

Penalty Guide - Table 2
Infractions that must be referred to the OIG

Type of Delinquency or Misconduct	1st Offense	2nd Offense	3rd Offense
<p>1. Unauthorized use, removal, or possession of Government property, funds, services, supplies, or materials, including use or permitting the improper use of government credit cards or other obligating forms or devices, or the property of other employees.</p> <p>(In arriving at the penalty, consideration should be given to the value of the property involved and whether voluntary restitution was made.</p>	Suspension to removal	Removal	
<p>2. Misstatement or omission of material facts from, unlawful concealment, removal, alteration, mutilation, or destruction of any official document, contract¹ files, or records.</p>	Reprimand to removal	Suspension to removal	Removal
<p>3. Conduct as described in 2 above which results in: Accepting incomplete services, supplies, or materials or misrepresentation of contract inspections, etc., and/or false certification for work not performed or supplies, services, or materials not received; preparing or issuing a contract for services, supplies, or materials which exceeds reasonable requirements;</p>	Suspension to removal	Removal	

¹ The term "contract" used throughout this penalty guide denotes all procurement actions that bind the Government, including purchase orders, leases, and other contracted arrangements.

requesting and accepting services, supplies, or materials other than those contracted for; preparing an inaccurate Government estimate resulting in the acceptance of a given bid/price proposal from a contractor thereby causing damage or financial loss.			
4. Misappropriation of Government funds or other funds that come into employee's possession by reason of his official position.	Suspension to removal	Removal	
5. Misstatement of one or more claims (travel vouchers, time and attendance records, etc.): a. Claims for \$100 or less. b. Claims of more than \$100.	Reprimand to removal Suspension to removal	Removal Removal	
6. Partisan political activity in violation of the law.	Removal or other activity as directed by OPM		
7. Use of public office for private gain.	Suspension to removal	Removal	
8. Misconduct, whether or not in violation of a criminal statute, which impairs job performance or trustworthiness of the employee or otherwise affects the ability of a part of GSA to perform its mission.	Reprimand to removal	Suspension to removal	Removal
9. Willful use or authorizing the use of Government-owned or leased passenger motor vehicles or aircraft for unofficial purposes	30 day suspension to removal Note: A 30	Removal	

	<p>day suspension is the minimum penalty proscribed by statute (31 USC 1349 (b)). Where the element of willfulness is not clearly shown or when the vehicle is not a passenger vehicle, the same or lesser penalty may be imposed depending on the circumstances.</p>		
<p>10. Loss of or damage to Government Property:</p> <p>a. Through carelessness or negligence or when property involved is valued at less than \$500.</p> <p>b. Through maliciousness or intent, or when property involved is valued at \$500 or greater.</p>	<p>Warning notice to suspension</p> <p>Reprimand to removal</p>	<p>Reprimand to suspension</p> <p>Suspension to removal</p>	<p>Suspension to removal</p> <p>Removal</p>
<p>11. Failure, through negligence, to account properly for Government funds.</p>	<p>Reprimand to removal</p>	<p>Removal</p>	
<p>12. Negligent control of government credit cards or other obligating forms and</p>	<p>Reprimand to suspension</p>	<p>Suspension to removal</p>	<p>Removal</p>

devices.			
<p>13. Failure to report to the Office of the Inspector General:</p> <p>a. Apparent or suspected violations of law in connection with an operation of GSA.</p> <p>b. Apparent or suspected violation of an Order, Regulation, or directive in connection with an operation of GSA.</p>	<p>Reprimand to removal</p> <p>Warning notice to removal</p>	<p>Suspension to removal</p> <p>Reprimand to removal</p>	<p>Removal</p> <p>Removal</p>
14. Refusal to provide information in connection with or failure to cooperate with an investigation or to furnish a signed statement when required, except where such a refusal is based upon grounds of self incrimination in potential criminal prosecution or privileged communications.	Reprimand to removal	Suspension to removal	Removal
15. Mismanagement of a contract, or failure to administer provisions thereof, whether or not it results in a loss to the Government.	<p>Reprimand to removal</p> <p>*Minimum of suspension if the employee acted knowingly and willfully</p>	Suspension to removal	Removal
16. Failure to maintain contract files in a complete and correct manner in accordance with regulations and GSA requirements.	<p>Reprimand to removal</p> <p>*Minimum of suspension if the</p>	Suspension to removal	Removal

	employee acted knowingly and willfully		
17. Failure to secure adequate and required competition for contracts in accordance with applicable regulations.	Reprimand to removal *Minimum of suspension if the employee acted knowingly and willfully	Suspension to removal	Removal
18. Awarding of more than one contract/purchase order with the intent of avoiding limitations on contracting authority or the requirements of applicable regulations.	Suspension to removal	Suspension (14 days) to removal	Removal
19. Negligently or willfully awarding contracts which exceed contracting authority.	Reprimand to removal	Suspension to removal	Removal
20. Negligent or willful: (1) Acceptance of incomplete services, supplies, or materials; or (2) Misrepresentation of contract inspections and certification for work not performed or services, supplies, or materials not received.	Reprimand to removal	Suspension to removal	Removal
21. Negligently or willfully preparing or issuing a contract for quantities which exceed reasonable requirements.	Reprimand to removal	Suspension to removal	Removal
22. Negligently preparing an inaccurate Government estimate resulting in the acceptance of a given bid/price	Reprimand to suspension	Suspension to removal	Removal

proposal from a contractor that thereby causes loss to the Government.			
23. Knowingly making false statements that are slanderous or defamatory about employees or officials.	Reprimand to removal	Removal	
24. Gambling, betting, or promotion thereof on government-owned or leased property, or while on duty for GSA.	Reprimand to removal	Suspension to removal	Removal
25. Soliciting or making a contribution for a gift (as defined by 5CFR 2635.203) to an official superior, or acceptance of such a gift by an official superior.	Removal		
26. Lending money for profit on government-owned or leased premises to any other person; borrowing money from a subordinate or securing a subordinate's endorsement on a loan.	Reprimand to removal	Removal	
27. Sale of illegal or prescription drugs, or possession of illegal drugs, on government-owned or leased premises or while on duty.	Suspension to removal	Removal	
28. Unethical or inappropriate use of official authority or credentials, or unauthorized disclosure or use of official information.	Reprimand to removal	Removal	
29. Inappropriate solicitation or acceptance of gifts, loans, gratuities, favors, etc., from persons, firms, or corporations with whom employees have official relations.	Reprimand to removal	Removal	

30. Violating GSA regulations prohibiting the purchase of government property, personal or real, being sold by GSA.	Reprimand to removal	Removal	
31. Discrimination, including harassment, against any employee or applicant for employment based on race, color, religion, sex (including pregnancy, transgender status, and sexual orientation), age (40 or older), national origin, physical or mental disability or genetic information.	Warning notice to removal	Reprimand to removal	Removal
32. Reprisal action against any person for proper exercise of the right to file a discrimination complaint or grievance, or for reporting an irregularity, real or suspected.	Warning notice to removal	Reprimand to removal	Removal
33. Violation of GSA regulations regarding financial interests or transactions that conflict with the performance of official duties.	Reprimand to removal *Minimum of suspension if the employee acted knowingly and willfully	Suspension to removal	Removal
34. Violating GSA and/or Federal regulations of carrying, storing, or bringing weapons, firearms, etc. on to Federal property.	Reprimand to removal	Suspension to removal	Removal