

DEPARTMENT OF THE ARMY
U.S. ARMY MEDICAL DEPARTMENT CENTER AND SCHOOL
AND FORT SAM HOUSTON
Fort Sam Houston, Texas 78234-5014

FSH Regulation
No. 690-26

5 March 1997

Civilian Personnel
CONDUCT AND DISCIPLINE

Issue of supplements to this regulation by subordinate commanders is prohibited unless approved by the Commander, U.S. Army Medical Department Center and School and Fort Sam Houston.

1. PURPOSE. This regulation establishes general civilian personnel policies, requirements, and procedures governing the conduct of employees and disciplinary actions.

2. APPLICABILITY. This regulation applies to all Department of the Army Appropriated Fund civilian employees who have completed probationary or trial periods and who are assigned to organizations serviced by the Civilian Personnel Advisory Center (CPAC). Employees serving on temporary appointment are excluded from coverage of this regulation. In case of conflict with the provisions of a negotiated labor agreement, the terms of the agreement will prevail.

3. REFERENCES.

a. AR 690-700, Personnel Relations and Services

b. Appendix A, revised copy of Table 1-1, chapter 751, from AR 690-700, Table of Penalties for Various Offenses.

4. GENERAL.

a. The broad objective of discipline is to prevent prohibited activities and to motivate employees to conform to acceptable standards of conduct.

b. Disciplinary actions fall into two categories: "Informal" (oral admonishments and written warnings) and "Formal" (letters of reprimand, suspensions, and removals). Similarly, employee conduct requiring disciplinary action also falls into

two categories: "Behavioral Offenses" for which the application of progressive discipline aimed at correcting the behavior is appropriate, and offenses related to the "Violation of Laws or Regulations" for which punitive sanctions are required.

c. Disciplinary action will be taken for the purpose of either correcting offending employee behavior or problem situations, or for the purpose of imposing punishment necessary to maintain discipline and morale among other employees.

d. Delay weakens the relationship between any offending behavior and discipline; therefore, discipline will be initiated as soon as possible under the circumstances.

e. Actions will not be brought against employees because of age, sex, physical handicap, race, color, lawful political affiliation, national origin, marital status, religion, membership in any lawful organization, or in reprisal for exercise of a protected right.

f. Supervisors should always assure that internal standing operating procedures and other instructions regarding conduct are circulated (at least annually) with the requirement that employees read, date, and initial, to signify their awareness and understanding of management's expectations.

g. It is the policy of the Department of the Army that any civilian employee found to have engaged in theft, fraud, or other intentionally dishonest conduct against the Army will be considered for removal from the Federal Service. However, each case will need to be reviewed in its entirety to determine the most appropriate penalty.

5. PROCEDURES.

a. Informal Actions. These actions are considered "informal" because they are not made a matter of record in the employee's Official Personnel Folder (OPF) and do not involve higher level management officials within the organization. Informal actions are appropriate for situations of a minor nature involving unacceptable behavior.

(1) Oral Admonishment. Admonishments will take place in private. The employee will be advised of the specific infraction or breach of conduct, when and where it occurred, and that a future violation may result in formal disciplinary action. The Supervisory Employee Brief or other document that the supervisor uses to record the employee's service, accomplishments, training, etc., may also be used to document the admonishment. The

employee should initial the documentation signifying his knowledge of the entry.

(2) Use of Leave Directive. In the case of excessive use/abuse of leave, employees may be issued a written directive that imposes temporary restraints or conditions.

b. Formal Actions. These actions all have strict technical and legal requirements, and employees receiving them have specific rights. Procedural or regulatory violations not only cause actions to be overturned by review bodies, and waste valuable resources, but they also have a high potential for causing embarrassment to the Commander and/or Department of the Army. Therefore, all disciplinary actions prior to inception will be coordinated with a servicing Personnel Management Specialist (PMS). Procedures are outlined in paragraph 5d(2). This will ensure that applicable regulations, legal requirements, and established procedures, particularly with regard to time frames, are adhered to.

(1) Written Reprimand. This is used when more stringent action is required. Written reprimands are placed in the employee's OPF for a specified period (not more than 3 years), or until employee departs from the rolls to an installation or agency not serviced by the Fort Sam Houston CPAC.

(2) Suspension. This is a temporary nonpay status and absence from duty. A permanent record, Standard Form (SF) 50-B Notification of Personnel Action, is placed in the employee's OPF.

(3) Removal. This is the federal term for "firing." A permanent record, SF 50-B, Notification of Personnel Action, is placed in the employee's OPF.

c. Unacceptable Performance. When an employee fails to meet one or more performance objectives or expectations, immediate corrective action is required. The provisions of chapter 4302, AR 690-400, rather than this regulation apply, and the servicing PMS should be contacted for advice and assistance.

d. Determining Appropriate Penalties.

(1) Formal disciplinary actions must be defensible in relation to the offense and to prior practice within the organization.

(2) Appendix A contains the Table of Penalties for Various Offenses that the Army views as reasonable for particular offenses. Supervisors will use this table in selecting a penalty

within the range provided for a particular offense. If an offense is not listed, the PMS should be consulted for assistance in determining a reasonable range of penalties through comparison with those provided. In rare instances, the circumstances of an offense may warrant penalty outside the range provided; however, this must be fully documented in the proposing official's request.

(3) In selecting an appropriate penalty, the supervisor must distinguish between misconduct, for which progressive discipline aimed at correcting behavior is warranted, and misconduct for which punitive discipline is warranted. In general, progressive discipline requires the least stringent penalty thought necessary to get the employee's attention and to motivate improved behavior. Punitive discipline requires the strongest penalty warranted to preclude repeated acts of misconduct by the employee and to deter such misconduct by others.

(4) A prior offense of any type forms a basis for proposing the next higher sanction. Thus, an employee who previously received a first offense penalty for insubordination, and who now is charged with fighting, would receive the second offense penalty for fighting.

e. Prior to initiating formal disciplinary action, the supervisor may decide to discuss the incident with the employee. Union representation must be allowed upon request, if appropriate. If it is determined that discipline is not warranted, the matter will be closed and the employee advised. If discipline is to be initiated, a Memorandum for Record of the meeting should be prepared by the supervisor.

f. After reviewing the facts of the case, the immediate (first-line) supervisor may wish to discuss the matter with a higher level management official and the servicing PMS. This will serve to clarify policy, unresolved issues, or past practice, and will help to ensure continuity between line and staff. At this step, formal written communications are inappropriate.

g. If the discipline is to be initiated, the proposing official (generally the immediate supervisor), and the deciding official (generally the second level supervisor), will coordinate their actions with a PMS in the servicing CPAC. In coordination with the Labor Counselor, the PMS will advise both the proposing and deciding officials of their appropriate roles, of procedural and legal requirements and, when indicated, of applicable case law.

APPENDIX A

Table 1-1
Table of Penalties for Various Offenses

A. BEHAVIORAL OFFENSES FOR WHICH PROGRESSIVE DISCIPLINE IS APPROPRIATE

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
1. Insubordination.	Refusal to obey orders, defiance of authority.	Written reprimand to removal.	5-day suspension to removal.	Removal	
2. Fighting/Creating a Disturbance*.	a. Creating a disturbance resulting in an adverse effect on morale, production, or maintenance of proper discipline.	Written reprimand to 5-day suspension.	5- to 10-day suspension.	10-day suspension to removal.	*Penalty may be exceeded if work is severely disrupted.
	b. Threatening or attempting to inflict bodily harm without bodily contact.	Written reprimand to 14-day suspension.	14-day suspension to removal.	30-day suspension to removal.	*Penalty may be exceeded based on such factors as type of threat, provocation, extent of injuries, whether actions were defensive or aggressive in nature, or whether actions were directed at a supervisor.
	c. Hitting, pushing, or other acts against another without causing injury.	Written reprimand to 30-day suspension.	30-day suspension to removal.	Removal.	
	d. Hitting, pushing, or other acts against another causing injury.	Written reprimand to removal.	Removal.		
3. Sleeping on Duty.	a. Where safety of personnel or property is not endangered.	Written reprimand to 1-day suspension.	1- to 5-day suspension.	5-day suspension to removal.	
	b. Where safety of personnel or property is endangered.	1-day suspension to removal.	Removal.		
4. Loafing; Delay in Carrying Out Instructions.	a. Idleness or failure to work on assigned duties.	Written reprimand to 3-day suspension.	1- to 5-day suspension.	5-day suspension to removal.	
	b. Delay in carrying out or failure to carry out instructions within the time required.	Written reprimand to 3-day suspension.	1- to 5-day suspension.	5-day suspension to removal.	

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OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
5. Attendance Related Offenses.	a. Any absence from the regularly scheduled tour of duty which has not been authorized and/or for which pay must be denied (AWOL) or any absence from management directed additional hours of duty (Unauthorized Absence). Includes leaving the work site without permission.	Written reprimand to 5-day suspension.	1- to 14-day suspension.	5-day suspension to removal.	Penalty depends on length of absences. Removal may be appropriate for 1st and 2d offense if the absence is prolonged.
	b. Failure to follow established leave procedures.	Written reprimand to 5-day suspension.	1- to 5-day suspension.	5-day suspension to removal.	
	c. Unexcused tardiness.	Written reprimand to 1-day suspension.	1- to 3-day suspension.	1- to 5-day suspension. Habitual tardiness warrants removal.	Includes delay in reporting at the scheduled starting time, returning from lunch or break periods, and returning after leaving work station on official business. Penalty depends on length and frequency of tardiness.
6. Unauthorized use of alcohol, drugs or controlled substances.	a. Unauthorized possession or transfer of alcohol beverages while on government premises or in a duty status.	Written reprimand to 5-day suspension.	5- to 14-day suspension.	14-day suspension to removal.	Penalty may be exceeded when aggravating circumstances are present. See AR 600-85.
	b. Unauthorized use of alcoholic beverages while on government premises or in a duty status.	Written reprimand to 14-day suspension.	14- to 30-day suspension.	30-day suspension to removal.	
	c. Reporting to work or being on duty while under the influence of alcohol, a drug or a controlled substance to a	Written reprimand to 30-day suspension. Removal may be warranted if the safety of personnel	14-day suspension to removal.	Removal.	

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
	degree which would interfere with proper performance of duty, would be a menace to safety, or would be prejudicial to the maintenance of discipline. See para 13 for other drug related offenses.	or property is endangered.			
7. Discourtesy.	a. Discourtesy, e.g., rude, unmannerly, impolite acts or remarks (non-discriminatory).	Written reprimand to 1-day suspension.	1- to 5-day suspension.	3- to 10-day suspension.	Penalty for fourth offense within 1 year may be 14-day suspension to removal. Penalty may be exceeded if discourtesy or similar conduct was directed to a supervisor.
	b. Use of abusive or offensive language, gestures or similar conduct (non-discriminatory).	Written reprimand to 10-day suspension.	5-day suspension to removal.	30-day suspension to removal.	
8. Gambling.	a. Participating in an unauthorized gambling activity while on Government premises or on duty status.	Written reprimand to 1-day suspension.	1- to 5-day suspension.	5- to 30-day suspension.	See AR 600-50.
	b. Operating, assisting or promoting an unauthorized gambling activity while on Government premises or in a duty status or while others involved are in a duty status.	14-day suspension to removal.	Removal.		
9. Indebtedness.	Failure to honor valid debts where agency mission or employee performance are affected.	Written reprimand.	Written reprimand to 1-day suspension.	Written reprimand to 5-day suspension.	See AR 690-700, Chap 735, App E. There must be a clear nexus between efficiency of the service and the debt complaint.

B. OFFENSES WARRANTING PUNITIVE DISCIPLINE

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
10. False Statements.	a. False statements, misrepresentation, or fraud in entitlements, includes falsifying information on time card, leave form, travel voucher, or other document pertaining to entitlements.	Written reprimand to removal.	30-day suspension to removal.	Removal.	See para 2-1. Removal is warranted for a first offense.
	b. False statements or misrepresentation on an SF 171, or other documents pertaining to qualifications, or on any official record not otherwise enumerated.	Written reprimand to removal.	14-day suspension to removal.	30-day suspension to removal.	See para 2-1. Removal is warranted when selection was based on falsified SF 171 where falsification was intentional (i.e., not an omission or where intent can be proven), or where the employee occupies a fiduciary position.
	c. Knowingly making false or malicious statements against co-workers, supervisors, subordinates, or government officials with the effect of harming or destroying the reputation, authority, or official standing of that individual or an organization.	Written reprimand to removal.	Removal.		
	d. Deliberate misrepresentation, exaggeration, concealment, withholding of a material fact. Includes perjury, making false sworn statements, and lying to a supervisor.	Written reprimand to removal.	5-day suspension to removal.	10-day suspension to removal.	

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
11. Stealing.	Stealing, actual or attempted, unauthorized possession of government property or property of others, or collusion with others to commit such acts.	14-day suspension to removal.	Removal.		See para 2-1. Penalty depends on such factors as the value of property involved, and the nature of the position held by offending employee which may dictate a higher standard of conduct.
12. Misuse or Abuse of Government Property.	a. Using Government property or Federal employees in a duty status for other than official purposes.	Written reprimand to removal.	1-day suspension to removal.	14-day suspension to removal.	Ref. AR 600-50. Penalty depends on such factors as the value of property or amounts of employee time involved, and the nature of the position held by the offending employee which may dictate a higher standard of conduct.
	b. Loss of or damage to government property, records or information when an employee is entrusted in safeguarding Government property as an absolute requirement of the job (e.g., cashier, warehouse worker, property book officer).	Written reprimand to 14-day suspension.	Written reprimand to removal.	14-day suspension to removal.	
	c. Willfully using or authorizing the use of government passenger motor vehicle or aircraft for other than official purposes.	30-day suspension to removal.	Removal.		See 31 USC 1349. Penalty cannot be mitigated to less than 30 days.
	d. Misuse of Government credentials.	Written reprimand to removal.	5-day suspension to removal.	14-day suspension to removal.	

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
	e. Intentionally mutilating or destroying a public record.	Removal.			8 USC 2071.
13. Unauthorized use or possession of a controlled substance.	a. Introduction of controlled substance to a work area or government installation for personal use.	3-day suspension to removal.	Removal.		
	b. Introduction of a controlled substance to a work area or government installation in amounts sufficient for distribution of a controlled substance on a government installation.	Removal.			
14. Failure to observe written regulations, orders, rules or procedures.	a. Violation of administrative rules or regulations where safety to persons or property is not endangered.	Written reprimand to 1-day suspension.	1- to 14-day suspension.	5-day suspension to removal.	
	b. Violation of administrative rules or regulations where safety to persons or property is endangered.	Written reprimand to removal.	30-day suspension to removal.	Removal.	
	c. Violations of official security regulations. Action against National Security.				
	(1) Where restricted information is not compromised and breach is unintentional.	Written reprimand to 5-day suspension.	1- to 4-day suspension.	5-day suspension to removal.	See AR 604-5 and 5 USC 7532.
	(2) Where restricted information is compromised and breach is unintentional	Written reprimand to removal.	30-day suspension to removal.	Removal.	
(3) Deliberate violation.	30-day suspension to removal.	Removal.			

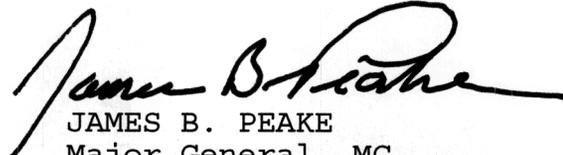
OFFENSE	NATURE OF OFFENSE	IRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	EMARKS
15. Discrimination because of race, color, religion, age, sex, national origin, political affiliation or handicap, or marital status.	Prohibited discriminatory practice in any aspect of employment (e.g. employment, appraisal, development, advancement or treatment of employees). Includes failure to prevent or curtail discrimination of a subordinate when the supervisor knew or should have known of the discrimination.	Written reprimand to removal.			Appropriate penalty depends on the facts in a given case weighed against DA policy that discrimination is prohibited
16. Sexual Harassment. Influencing, offering to influence, or threatening the career, pay, job or work assignments of another person in exchange for sexual favors OR deliberate or repeated offensive comments, gestures or physical contact of a sexual nature.	a. Involving a subordinate:	1-day suspension to removal.	10-day suspension to removal.	30-day suspension to removal.	Appropriate penalty depends on the fact situation in a given case weighed against DA policy that sexual harassment will not be tolerated. Where conduct created a hostile or offensive work environment, removal is warranted for a first offense.
	b. Not involving a subordinate:	Written reprimand to 30-day suspension.	5-day suspension to removal.	10-day suspension to removal.	
17. Constitutional Violation.	Violation of employee's constitutional rights (i.e., freedom of speech/association/religion.)	Written reprimand to removal.	5-day suspension to removal.	30-day suspension to removal.	
18. Conduct Unbecoming of a Federal Employee.	a. Immoral, indecent, or disgraceful conduct.	1-day suspension to removal.	Removal.		Includes off-duty conduct if nexus is established.
	b. Solicitation of or accepting anything of monetary value from person who is seeking contracts or other business or financial gain.	10-day suspension to removal.	Removal.		

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
19. Refusal to testify; interference or obstruction.	a. Refusal to testify or cooperate in a properly authorized inquiry or investigation.	1-day suspension to removal.	5-day suspension to removal.	Removal.	Witness shall be assured freedom from restraint interference, coercion, discrimination, or reprisal in their testimony.
	b. Interference with attempting to influence, or attempting to alter testimony of witnesses or participants.	5-day suspension to removal.	10-day suspension to removal.	Removal.	
	c. Attempting to impede investigation or to influence investigating officials.	10-day suspension to removal.	30-day suspension to removal.	Removal.	
20. Political Activity.	a. Violation of prohibition against soliciting political contributions.	Removal.			5 USC 7323, 7324 and 7325.
	b. Violations of prohibition against campaigning or influencing elections.	30-day suspension to removal.	Removal.		
21. Misappropriation.	a. Directing, expecting or rendering services not covered by appropriations.	Removal.			5 USC 3103.
	b. Failure to deposit into the Treasury money accruing from lapsed salaries or from unused appropriations from salaries.	Removal.			5 USC 5501.
22. Job Actions.	Participating in or promoting a strike, work stoppage, slow down, sick out or other job actions.	Removal.			
23. Reprisal.	a. Intentional interference with an employee's exercise of, or reprisal against an employee for exercising a right to grieve, appeal or file a complaint through established procedures.	Written reprimand to removal.	5-day suspension to removal.	30-day suspension to removal.	

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	ECOND OFFENSE	THIRD OFFENSE	REMARKS
	b. Reprisal against an employee for providing information to an Inspector General, MSPB Office of Special Counsel, EEOC or USACARA investigator, or for testifying in an official proceeding.	Written reprimand to removal.	-day suspension o removal.	30-day suspension to removal.	
	c. Intentional interference with and employee's exercise of, or reprisal against an employee for exercising a right provided under 5 USC 7101 <u>et seq</u> (governing Federal Labor-Management Relations).	Written reprimand to removal.	5-day suspension to removal.	30-day suspension to removal.	
	d. Finding by MSPB of refusal to comply with MSPB order or finding of intentional violation of statute causing issuance of a special counsel complaint.	Written reprimand to removal.	Removal.		5 USC 1206(g)(1) and 1207(b).

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The proponent of this regulation is the Directorate of Civilian Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander, U.S. Army Medical Department Center and School and Fort Houston, ATTN: MCGA-CP, Fort Sam Houston, Texas 78234



JAMES B. PEAKE
Major General, MC
Installation Commander

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