



DEPARTMENT OF THE NAVY
SPACE AND NAVAL WARFARE SYSTEMS COMMAND
4301 PACIFIC HIGHWAY
SAN DIEGO, CA 92110-3127

SPAWARINST 12752.1B
SPAWAR 07-2
19 MARCH 1998

SPAWAR INSTRUCTION 12752.1B

From: Commander, Space and Naval Warfare Systems Command

Subj: DISCIPLINARY AND ADVERSE ACTIONS

Ref: (a) 5 C.F.R. 752
(b) CPI 752
(c) SPAWARINST 12432.1B

Encl: (1) Actions/Matters Excluded from Procedures
(2) Constructive Discipline Procedures
(3) Schedule of Offenses and Recommended Remedies
(4) Traditional Discipline Procedures
(5) Delegation of Authority to Propose and Decide Disciplinary, Adverse, and Non-disciplinary Actions

1. Purpose. To state policy on disciplinary actions related to employee conduct, to offer alternative forms of disciplinary action for correcting conduct problems, to describe procedures for taking traditional and constructive disciplinary actions, and to delegate authority for taking such actions. References (a) and (b) contain Office of Personnel Management and Navy guidance and policy.

2. Cancellation. SPAWARINST 12752.1A of 19 August 1986 is cancelled.

3. Background. Reference (a) establishes procedures for disciplinary and adverse actions. This instruction details local application of the procedures for effecting disciplinary and adverse actions.

4. Coverage.

a. This instruction applies to all permanent SPAWAR, Program Executive Office for Space, Communications and Sensors (PEO-SCS) employees, and all other employees provided personnel services by the Civilian Personnel Support Office (CPSO) except individuals in the Senior Executive Service (SES) and:

- (1) Competitive and excepted service temporary employees.
- (2) Career-conditional employees in probationary periods.

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(3) Preference eligibles in the permanent excepted service who have not completed one year of continuous service.

(4) Nonpreference eligibles in the permanent excepted service who have not completed two years of continuous service.

b. Actions excluded from the provisions of this instruction are listed on enclosure (1).

5. Definitions.

a. Admonishment. An oral or written correction by a superior official for improper conduct. Not a formal disciplinary action and not counted as a prior offense in subsequent discipline.

b. Adverse Action. Removal, suspension of more than 14 days, reduction in grade/level or pay, or furlough.

c. Caution. A written correction by a superior for an employee's improper conduct. A written caution is not a formal disciplinary action and is not counted as a prior offense in subsequent discipline.

d. Constructive Discipline. A progressive system for correction of employee misconduct involving oral counseling, constructive discipline action plans, and disciplinary leave. Enclosure (2) describes the system.

e. Constructive Discipline Action Plan. A formal written document which constitutes a disciplinary action. It informs the employee of the offending conduct, the consequences of failure to correct the conduct, and identifies the corrective actions to be taken. It is signed by both the employee and the supervisor or just the supervisor if the employee refuses to participate in its development. Considered the same as a formal disciplinary action and is counted as a prior offense in subsequent discipline or adverse action proceedings.

f. Days. Calendar days.

g. Deciding Official. A supervisor who has been delegated the authority to render decisions on discipline or adverse actions.

h. Disciplinary Action. A letter of reprimand or a suspension of 14 days or less.

i. Disciplinary Leave. Time off with pay granted upon a third infraction to allow the employee time to consider that his/her employment is in jeopardy and whether he/she is willing to commit to a course of action to correct the behavior. The amount of disciplinary leave may not exceed four hours. Considered the same as a formal disciplinary action and is counted as a prior offense in subsequent discipline or adverse action proceedings.

j. Employee. An individual employed by SPAWAR or PEO-SCS in the competitive service who is not serving a probationary or trial period and who has completed one year of current continuous employment other than a temporary appointment limited to one year or less. Preference eligibles in the excepted service who have completed one year of current continuous employment in the same or a similar position and nonpreference eligibles in the excepted service who have completed two years of current continuous employment in the same or a similar position are also considered employees.

k. Furlough. The placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

l. Penalty. The sanction levied against an employee for a conduct infraction. Enclosure (3) is the standard schedule of offenses and corresponding penalties.

m. Performance-Based Action. An adverse action initiated for an employee's inadequate performance. Generally pursued under 5 CFR Part 432. Reference (c) applies to such actions.

n. Preaction Investigation. An informal review of the circumstances surrounding misconduct to determine if discipline is appropriate. Normally done by the first-line supervisor and includes contact with the offending employee and others if necessary. May include taking written statements.

o. Proposing Official. A supervisor who has been delegated the authority to propose discipline or adverse actions.

p. Representation. After receiving a proposed action, an employee may designate a representative during the disciplinary/adverse action process. Specific notification of the right to representation will be made to employees at the time a proposal to suspend or remove is issued.

q. Reprimand. A formal written correction by a superior official for an employee's improper conduct which is made a matter of record in the Official Personnel Folder for two years unless formally excised by the official superior.

r. Requirement. A written notification of the imposition of special requirements because of observed misconduct. The requirement will exceed normal requirements of policy or practice. Not a formal disciplinary action and not counted as a prior offense in subsequent discipline or adverse action proceedings.

s. Suspended/Deferred Penalty. A decision which finds the proposed action against an employee supported but which defers the imposition of the penalty. Deferrals generally are dependent upon the employee satisfying a set of agreed-upon terms and are rescinded immediately if the employee fails to meet those terms. Sometimes these agreements are called "last chance" or "hold in abeyance" agreements.

t. Traditional Discipline. A process reflecting progressive punitive actions taken against an employee to correct conduct. The range of traditional discipline penalties is reprimand through suspensions without pay of varying lengths to removal. Enclosure (4) applies.

6. Policy. It is the policy of SPAWAR and PEO-SCS to correct conduct problems through the most effective means available. Management bears the responsibility of confronting employees concerning inappropriate conduct, attempting to bring about correction by informal means when possible, solving contextual problems contributing to the misconduct, imposing discipline based upon accurate fact finding, and ensuring that the penalty imposed is the minimum necessary to correct the problem. Discipline will be prompt, appropriate, taken without reference to race, color, religion, sex, national origin, political beliefs, marital status, age, or nonrelevant physical/mental disability. This instruction allows for managers to choose an avenue of discipline appropriate to their specific situation:

a. Traditional Discipline. Traditional progressive discipline includes the full range of administrative penalties available as sanctions. It is progressive, corrective, and it is formally documented. For repeated misconduct, traditional discipline usually proceeds from informal warnings through reprimands through suspension(s) without pay to removal. Traditional discipline is based on the theory that increasingly severe sanctions, including time off without pay, will eventually correct misconduct. If the behavior is not corrected, traditional progressive discipline supports removal of the employee. Specific procedures are described in enclosure (4) and the schedule of offenses and penalties is attached as enclosure (3).

b. Constructive Discipline. Constructive discipline is similar to traditional discipline in that it also is progressive, it is documented, and it ultimately will support a removal if the employee's conduct is not corrected. Unlike traditional discipline, however, constructive discipline does not involve a series of suspensions without pay but rather a series of actions taken with the employee's involvement and agreement which count as disciplinary actions. With constructive discipline, the organization does not have to do without the services of the employee while he/she is being suspended. There are certain infractions for which constructive discipline may be particularly appropriate, such as attendance misconduct. When constructive discipline is invoked and the employee fails to cooperate, management may opt into the traditional disciplinary process at the point it would have reached had constructive discipline not been invoked. Specific procedures are described in enclosure (2).

7. Delegation of Authority. Reference (b) permits activity heads to delegate the authority to propose and take disciplinary and adverse actions. Enclosure (5) specifies the management levels to which the Commander, SPAWAR and the Program Executive Officer (PEO) have delegated this authority. SPAWAR Systems Centers may delegate this authority to different levels. Higher level officials may withdraw this authority from their subordinate managers if such action is determined appropriate.

8. Responsibilities of SPAWAR Headquarters and SPAWAR Systems Centers.

a. Directorate/Department/Major Staff Office Heads. Directorate/Department/Major Staff Office Heads are responsible for assuring their subordinate supervisors understand the principles and procedures applicable to disciplinary and adverse actions, for coordinating disciplinary and adverse actions with the cognizant Personnel Management Advisor (PMA), and for taking disciplinary and adverse actions within the scope of their delegated authority. The PEO assigns these responsibilities to the Deputy PEO/Chief Engineer, the Assistant Deputy PEO and the Program Managers.

b. Supervisors. Supervisors are responsible for maintaining discipline and morale of employees supervised, conducting preaction investigations of instances of misconduct, and recommending, proposing, or taking traditional or constructive disciplinary action within the scope of their delegated authority. It is critical that the supervisor confront instances of misconduct immediately and personally. Further, supervisors bear the responsibility for referring employees with personal problems to the Employee Assistance Program.

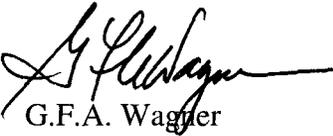
c. PMA. PMAs are responsible for advising and assisting supervisors and management officials in human resources problem solving and in specific disciplinary matters. PMAs will make initial assessments of the potential disciplinary circumstance, assist the supervisor in developing and examining facts, make recommendations concerning appropriate preaction investigations and possible range of penalties, and make recommendations concerning the appropriateness of either traditional or constructive discipline to solve the problem. SPAWAR Systems Centers may assign this responsibility to the Employee Relations Specialist, if desired.

d. Employee Relations Specialists. Employee Relations Specialists, in consultation with the Office of Counsel, are responsible for advising PMAs concerning pending disciplinary and adverse actions, providing focus to case development with defensibility, and Command philosophy in mind, researching appropriate case law when necessary, reviewing disciplinary and adverse action work products, and defending or assisting the Office of Counsel in defending, management in third-party proceedings.

e. Office of Counsel. The SPAWAR or appropriate SPAWAR Systems Center Office of Counsel is responsible for providing legal advice to supervisors and management officials in disciplinary and adverse actions. The Office of Counsel, with the assistance of the SPAWAR Systems Center CPSO, provides representation for the command in third party proceedings, including proceedings before the Equal Employment Opportunity Commission, Merit Systems Protection Board, and Federal courts.

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9. Action. The Human Resources Programs Office, Code 07-2, is responsible for keeping this instruction current.



G.F.A. Wagner
Rear Admiral, U. S. Navy

Distribution:
SPAWAR List 6
FKQ (SPAWARSYSCENs)
PEO-SCS

ACTIONS/MATTERS EXCLUDED FROM PROCEDURES

1. A suspension or removal taken in the interest of national security under the provisions of 5 U.S.C. 7532.
2. A reduction-in-force action under the provisions of 5 U.S.C. 3502.
3. The reduction in grade of a supervisor or manager who has not satisfactorily completed the probationary period if the demotion is to the grade held immediately before becoming a supervisor or manager.
4. A reduction in grade or removal based on unacceptable performance and pursued under the provisions of 5 U.S.C. 4302.
5. An action initiated under the authority of the Office of Special Counsel or taken at the direction of the Merit Systems Protection Board under the provisions of 5 U.S.C. 1201.
6. An action taken under the provisions of a statute which excepts the action from 5 U.S.C. chapter 75.
7. An action which entitles an employee to grade retention and an action to terminate the entitlement under the provisions of 5 U.S.C. 5362.
8. A voluntary action initiated by the employee.
9. An action taken or directed by the Office of Personnel Management for suitability reasons under the provisions of 5.U.S.C. 7301 and 5 C.F.R. 754.
10. Involuntary retirement because of disability.
11. Termination of temporary appointment on or before its expiration date.
12. Termination of a temporary promotion within 2 years and placement at the grade level held immediately before the temporary promotion.
13. Termination of a term promotion within 5 years and placement at the grade level held immediately before the term promotion.
14. Cancellation of a promotion to a position not classified before the promotion.

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15. Placement of an employee serving in an intermittent, part-time, or seasonal basis appointment in a nonduty nonpay status in accordance with conditions established at the time of appointment.

16. Reduction of an employee's rate of pay from a rate which is contrary to law or regulation to a rate which is required or permitted by law or regulation.

17. An action against a reemployed annuitant.

18. An action against a Presidential appointee.

19. Migration of a Demonstration Project employee to a lower level because of failure to receive pay increases.

CONSTRUCTIVE DISCIPLINE PROCEDURES

1. Introduction. The purpose of constructive discipline is to provide management with an alternative to the traditional punitive discipline process for use as appropriate. It eliminates the use of suspensions without pay during which time the employee would not normally be available for work. Constructive discipline allows a supervisor to engage an employee in a mutual problem-solving effort to eliminate offensive behavior. The process is progressive in nature, normally following these steps:

- a. First Offense. Oral counseling documented by the supervisor.
- b. Second Offense. Development of a joint constructive discipline action plan in writing.
- c. Third Offense. Disciplinary leave and subsequent acknowledgment of a job in jeopardy in writing.
- d. Fourth Offense. Subject to proposed removal.

Note: The traditional disciplinary steps of caution, reprimand, and progressively longer suspensions do not occur in the constructive discipline procedure.

2. Description of Procedures.

a. Step 1 - Oral Counseling.

(1) The supervisor will initiate a discussion with the employee to discuss the conduct problem informally. Such discussions will be held in private.

(2) The supervisor will explain what work rule, regulation, or procedure was broken. Any previous conversations, notices, or reminders about the same or a similar infraction will be pointed out.

(3) The employee will be given the opportunity to explain actions and provide relevant facts. The supervisor will consider the employee's explanation and address any new problems which surface as a result of the explanation.

(4) The supervisor will suggest what corrective steps the employee is to take to resolve the problem and request that the employee commit to affirmative steps which they agree are reasonable. If the employee refuses to commit to a specific corrective action, the supervisor will direct the employee to undertake specific steps necessary to solve the problem. These steps will

be conveyed to the employee with the supervisor's expectation that the employee will now be held accountable to them.

(5) The employee will be asked to confirm that he/she understands what is expected despite his/her possible disagreement with the expectations.

(6) The supervisor will document the session and state what actions are to be complied with in the future. A copy will be provided to the employee and another maintained by the supervisor.

(7) The supervisor will inform the employee that this is an informal action and that a repeat of the infraction is not expected.

(8) The supervisor will inform the employee of the availability of assistance from the Civilian Employee Assistance Program (CEAP).

(9) The supervisor will follow up with the employee and reinforce positive changes.

b. Step 2 - Constructive Discipline Action Plan.

(1) If the same or a similar problem occurs after counseling, the supervisor will evaluate whether there has been sufficient improvement over an extended time period to warrant repeating Step 1.

(2) The supervisor will investigate the facts surrounding the infraction.

(3) The supervisor will initiate a discussion with the employee to discuss the conduct problem formally. This discussion will be held in private.

(4) The supervisor will explain what work rule, regulation, or procedure was broken. Previous conversations or oral counseling about the same or related issues will be pointed out.

(5) The employee will be given the opportunity to explain his/her actions and provide relevant facts. The supervisor will consider the employees explanation and address any new issues which arise.

(6) The supervisor will solicit the employee's cooperation in jointly establishing a realistic action plan for the employee to follow to eliminate the conduct problem.

(7) The Constructive Discipline Action Plan will:

- (a) Be in writing.
- (b) Identify the infraction specifically.
- (c) Identify corrective actions to be taken.
- (d) Specify the time frames involved.
- (e) State consequences of failure to correct.
- (f) Advise employee of EAP counseling.
- (g) Inform the employee of the right to grieve the imposition of the plan through the appropriate procedure.
- (h) Inform the employee the action is formal and will be a matter of record in the employee's Official Personnel Folder (OPF) for two years.
- (i) Be signed by the employee and the supervisor to signify that both parties understand the plan.

(8) If the employee refuses to participate in the development of the Constructive Discipline Action Plan, the supervisor will develop the plan unilaterally and issue it to the employee.

(9) The supervisor will follow up with the employee to reinforce positive changes.

c. Step 3 - Disciplinary Leave With Pay.

(1) If subsequent misconduct persists, the supervisor will conduct an investigation into the facts surrounding the infraction.

(2) The employee will be given the opportunity to explain his/her actions and provide relevant facts.

(3) The supervisor will issue a letter to the employee which initiates disciplinary leave with pay. This letter will:

- (a) Identify the specifics of the infraction

(b) Cite previous oral counseling and Constructive Discipline Action Plans for previous similar infractions.

(c) Provide guidance to the employee concerning what he/she must do to remain employed in the Federal service and the time limits involved.

(d) Place the employee on disciplinary leave for the last four hours of the workday. This time is allowed for the employee to consider the conduct, the prospect of future employment, and the degree to which he/she is willing to commit to a course of action to correct behavior.

(e) Contain a provision for the employee to signify his/her commitment to correct conduct by signing an agreement.

(f) Inform the employee that he/she will be subject to removal if another infraction occurs.

(g) Inform the employee of the EAP.

(h) Inform the employee of the right to grieve through the appropriate procedure.

(i) Inform the employee that the letter is considered a formal disciplinary action and will be made a matter of record in the OPF for a three year retention period.

(4) The supervisor will present the letter to the employee before the commencement of the four hour disciplinary leave period.

(5) If the employee indicates a desire to correct the problem upon his/her return to duty, the supervisor will ask the employee to indicate his/her intentions by signing in the space provided at the end of the letter. The agreement will contain a statement that the employee understands another infraction will subject him/her to possible removal action.

d. Step 4 – Removal.

(1) The supervisor will conduct an investigation into the facts surrounding the infraction.

(2) If the same or similar misconduct has recurred, removal or other corrective action may be initiated in accordance with the procedures outlined in enclosure (3).

SCHEDULE OF OFFENSES AND RECOMMENDED REMEDIES

<u>Offense</u>	<u>Range of Remedies</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
<u>ALCOHOL ABUSE</u>			
Unauthorized possession, sale, or transfer of alcohol on duty or on a military ship, aircraft, or installation	14-day suspension to removal	30-day suspension to removal	Removal
Use of, or being under the influence of, alcohol on duty or on a military ship, aircraft or installation	14-day suspension to removal	30-day suspension to removal	Removal
<u>ATTENDANCE</u>			
Excessive unauthorized absence (more than 5 consecutive workdays)	Reprimand to removal	10-day suspension to removal	Removal
Leaving job to which assigned or Department of the Navy premises at any time during work hours without proper authorization	Reprimand to 5-day suspension	Reprimand to 10-day suspension	Reprimand to removal
Unexcused or unauthorized absence on 1 or more scheduled days of work or assigned overtime	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Unexcused tardiness	Reprimand	Reprimand to 5-day suspension	Reprimand to removal
<u>DISCRIMINATION</u>			
Discrimination against an employee or applicant based on race, color, religion, sex, handicap, national origin, or age or any reprisal or retaliation action against a complainant representative, witness, or other person involved in the EEO complaint process	Reprimand to removal	14-day suspension to removal	30-day suspension to removal

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<u>Offense</u>	<u>Range of Remedies</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
Sexual harassment	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
<u>DRUG ABUSE</u>			
Unlawful use or possession of drugs or drug paraphernalia on or off duty	Reprimand to removal	Removal	
Unlawful distribution, sale, or transfer of drugs or drug paraphernalia on or off duty	Removal		
Unlawful use or possession of drugs or drug paraphernalia on a military ship or aircraft	Removal		
<u>DRUG TESTING</u>			
Refusal to provide a urine sample when required	Reprimand to removal	Removal	
Substituting, adulterating, or otherwise tampering with a urine sample, testing equipment, or related paraphernalia	30-day suspension to removal	Removal	
Attempted or actual falsification, misstatement or concealment of a material fact, record, correspondence, or other communication prepared in connection with the collection, handling, transportation, or testing of urine samples	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Betting, gambling, or the promotion thereof on duty or Department of the Navy premises	Reprimand to removal	5-day suspension to removal	10-day suspension to removal

<u>Offense</u>	<u>Range of Remedies</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
<u>MISCELLANEOUS OFFENSES</u>			
Careless workmanship resulting in delay in production or spoilage or waste of materials	Reprimand to removal	5-day suspension	10-day suspension
Criminal, dishonest, infamous, or notoriously disgraceful conduct	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Disobedience to constituted authorities; deliberate refusal or failure or delay in carrying out any proper order, work assignment, or instruction; insubordination including failure to follow local or higher level policy	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Disrespectful conduct or use of insulting, abusive, or obscene language to or about other personnel	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
Falsification (or aiding or assisting in falsification) of time and attendance records or claims against the Government	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
Falsification, misstatement or concealment of material fact in connection with any official record	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
False testimony or refusal to testify in an inquiry, investigation, or other official proceeding	Reprimand to removal	14-day suspension to removal	30-day suspension to removal

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<u>Offense</u>	<u>Range of Remedies</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
Loafing, wasting time, inattention to duty, sleeping on duty	Reprimand to 5-day suspension	5-day suspension to removal	10-day suspension to removal
Making threats to other employees or to supervisor, fighting, engaging in dangerous horseplay	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Misuse of a Government vehicle*	Reprimand to removal	30-day suspension to removal	Removal

*31 U.S.C. 1349(b) requires a minimum suspension of 1 month, even for the first offense, if the misuse was willful, i.e., employee acted either with knowledge that the intended use would be characterized as unofficial or with reckless disregard of whether such use was unofficial.

Reckless driving or improper operation of motor vehicle:

Causing personal injury to self or others or damage to Government property	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
No personal injury to self or others or damage to Government property	Reprimand to 5-day suspension	Reprimand to 10-day suspension	14-day suspension to removal
Unauthorized possession, use, loss, or damage to Government property or the property of others	Reprimand to removal	14-day suspension to removal	30-day suspension to removal

PROHIBITED PERSONNEL PRACTICE

Committing a prohibited personnel practice (see 5 U.S.C. 2302)	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
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SAFETY

Failure to observe posted smoking prohibitions	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
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<u>Offense</u>	<u>Range of Remedies</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
Failure to use protective clothing or equipment	Reprimand to removal	5-day suspension to removal	10-day suspension to removal
Violation of safety or traffic regulations on duty or on an installation (on or off duty):			
Causing injury to self or others or damage to property or endangering the safety of self or others	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
No injury or property damage, not endangering the safety of self or others	Reprimand to 5-day suspension	Reprimand to 10-day suspension	Reprimand to removal

SECURITY

Failure to safeguard classified material:

Security compromised	Reprimand to removal	14-day suspension to removal	Removal
Security not compromised	Reprimand to 5-day suspension	Reprimand to 14-day suspension	30-day suspension to removal

UNAUTHORIZED DISCLOSURE OR USE OF PROTECTED MATERIAL

Unauthorized disclosure or use of information or other protected material (e.g., records covered by the Privacy Act or under 42 CFR Part 2 (CEAP records))	Reprimand to removal	14-day suspension to removal	30-day suspension
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Suggested remedies apply to traditional discipline only; for constructive discipline range of remedies see enclosure (2).

TRADITIONAL DISCIPLINE PROCEDURES

1. Introduction. The purpose of traditional discipline is to correct conduct with a series of punitive actions whose goal is to gain the attention of the employee and to impress on the employee the seriousness with which management views the misconduct. This procedure is applicable to reprimands, suspensions, removals, and reductions in grade or pay. This procedure does not apply to circumstances where the supervisor has determined that infraction is best addressed through constructive discipline except at the point where the constructive discipline process has become ineffective or the steps of the constructive discipline process have been exhausted. Enclosure (1) of this instruction provides procedures for that process up to the point of proposed removal.

2. Description of Procedures.

a. The supervisor or a higher management official in the organizational chain above the employee will conduct a preaction investigation of employee misconduct which may include:

(1) Conducting interviews and taking signed statements from employees, supervisors, or others having knowledge relevant to the incident(s).

(2) Interviewing the employee and obtaining his/her side concerning the incident/infraction.

(3) Collecting documentary or other physical evidence if relevant to the offense.

b. The supervisor or manager will work with the cognizant Personnel Management Advisor in assessing the scope of the problems and weighing alternatives for solving the problem.

c. Once a determination is made that discipline is appropriate, the supervisor/manager will determine what level of discipline to take or propose based on recommended penalties for specific offenses, past practice, and an assessment of all aggravating and mitigating factors. Enclosure (2) outlines the standard schedule of offenses and penalties in Navy and enclosure (5) reflects the delegation of authority to take disciplinary and adverse actions.

d. If a letter of reprimand is the action to be taken, it will inform the employee of his/her rights to grieve via the applicable grievance procedures.

e. If a suspension of 14 days or less is proposed, it will inform the employee of his/her right to respond to the charges and to whom such a response should be made. It will state the time limits in which to make a response, the right to review documents associated with the charges,

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and the right to representation in the matter. The decision on such a proposal will specify what the deciding official took into account in arriving at his/her decision and will advise the employee of his/her right to grieve, with representation if desired, via the appropriate grievance procedure.

f. If a suspension of more than 14 days, a change to lower grade, or a removal is proposed then the employee will be informed of his/her right to respond to the charges and to whom such a response should be made. It will state a time limit of not less than 7 calendar days, the right to review documents associated with the charges, and the right to representation in the matter. The decision on such a proposal will specify what the deciding official took into account in arriving at his/her decision. It will also advise the employee of his/her right to appeal, with representation if desired, via procedures contained in 5 C.F.R. 1201 or; if discrimination is alleged, via procedures contained in 29 C.F.R. 1614.

DELEGATION OF AUTHORITY TO PROPOSE AND DECIDE
DISCIPLINARY, ADVERSE, AND NONDISCIPLINARY ACTIONS

<u>Action</u>	<u>Proposing Official</u>	<u>Deciding Official</u>
Admonishment, oral or written		Immediate supervisor
Letter of caution and/or requirement		Immediate supervisor
Letter of reprimand		Immediate supervisor
Suspension		
Fourteen days or less	Immediate supervisor	Second level supervisor
More than 14 days	Immediate supervisor	Second level supervisor
Furloughs 30 days or less	Immediate supervisor	Second level supervisor
Reductions in grade/pay	Immediate supervisor	Second level supervisor
Removals	Immediate supervisor	Second level supervisor
Demotions based on classification or job grading determinations	Activity Head	Human Resources Officer

NOTE: Delegation of authority cited above does not preclude a higher level supervisor from proposing/effecting actions if deemed appropriate.

NOTE: Field activities may delegate the authority to propose/decide disciplinary, adverse and non-disciplinary actions to different levels.

NOTE: Except for the first three actions listed above, the Assistant Deputy PEO/Chief Engineer is the deciding official for PEO-SCS employees. First level supervisors, however, shall submit proposed actions via their second level supervisor for concurrence.