HRDG 4752 - Disciplinary or Alternative Actions - Section G

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Subchapter 4752 - Disciplinary or Alternative Action
Section G - Actions to Correct Misconduct

- Informal or Official Actions
- Chart on Disciplinary Actions
- Disciplinary/Adverse Actions
- Adverse Actions
- Senior Executive Service (SES) Actions

Return to 4752 Table of Contents

Informal or Official Actions

Actions to correct misconduct may be informal or official:

- **Informal** cautionary/warning actions are verbal or written cautions done by a supervisor when infractions are minor, and the supervisor determines that informal action is the most appropriate way to handle a situation. This action serves as a notice to an employee that some aspect of his/her conduct is deficient.
- Informal cautionary/warning letters are **not** maintained in an employee's Official Personnel Folder (OPF), but are maintained in a supervisor's file. It is recommended that supervisors provide an employee a copy of the documentation which summarizes the informal counseling session between the supervisor and the employee, and receive certification from the employee that this was done. Supervisors write informal letters (see your Supervisor's Desk Guide, Subchapter 4735, page 55, for a sample cautionary/warning letter).
- **Official** disciplinary actions (e.g., suspension) are those taken for more serious violations. An SF-50 Personnel Action is permanently maintained in the employee's OPF which identifies the reason(s) for the official disciplinary action. The employee's letter and other evidence relied upon is not kept in an employee's OPF; rather, adverse action files are kept in the employee relations office for 4 years.
- Although Letters of Reprimand are official actions, they are the minimum official actions that can be taken, and are maintained in an employee's OPF for up to 2 years. Any letters pertaining to official actions are
- Written by the servicing Employee Relations Specialist, but signed and issued by the official authorized to take such action.

Chart on Disciplinary Actions

The following chart explains the most common **official** disciplinary actions and clarifies what is kept in an employee's Official Personnel File (OPF):

OFFICIAL ACTION	DESCRIPTION	RECORD IN OPF
Letter of reprimand	Letter of admonition based on misconduct; least formal disciplinary action	Letter kept in OPF for up to 2 years
Suspension	Placing an employee in an involuntary nonduty /nonpay status resulting from misconduct (or a combination of misconduct and performance problems)	SF-50 Personnel Action is permanently kept in OPF (documents relied upon are not kept in OPF)
Reduction in grade/pay or removal	Usually a progressive disciplinary action resulting from misconduct, or a combination of misconduct and performance problems	SF-50 is permanently maintained in OPF

Note: If a disciplinary action is rescinded or canceled at some later date (i.e., resulting from a settlement agreement or a third party decision), the SF-50 documenting the disciplinary action will be permanently removed from the employee's OPF.

Disciplinary/adverse actions are terms used somewhat interchangeably throughout this subchapter in referring to the official actions managers/supervisors take to correct employee misconduct problems.

Disciplinary/ Adverse Actions

A **disciplinary action** is a general term used to describe a wide variety of actions ranging from a letter of reprimand to suspension or removal from Federal service. A letter of reprimand is a disciplinary action, but does not fall under the same disciplinary/adverse action regulatory requirements which are identified in **Section I**.

An **adverse action** is a more specific term which is used to describe official actions (other than letters of reprimand) which have specific regulatory requirements. Adverse actions should be taken **only** for such cause as will promote the efficiency of the Federal service, and when the reasons for taking such actions can be proven by a preponderance of the evidence.

Adverse Actions

Adverse actions are, by law, divided into statutory and regulatory requirements dependent upon the specific penalty involved, and whether or not it is a Senior Executive Service position. Adverse actions are divided in Title 5, Code of Federal Regulations (CFR), Part 752 as:

5 CFR 752 Subparts	Coverage
A & B	Suspension for 14 days or less
C & D	1) Suspension for 15 or more days 2) Reduction in grade or pay 3) Removal 4) Furlough for 30 days or less
E & F	Actions against members of the Senior Executive Service (SES) for: 1) Suspension for more than 14 days 2) Removal

Senior Executive Service Actions (SES)	Title 5, CFR subparts E & F address **only** SES members. The USDA Office of Personnel retains authority to take adverse actions against members of SES. Under regulations prescribed by the Office of Personnel Management, actions covered by Subparts E and F can only be taken for reasons of misconduct, neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

Return to 4752 Table of Contents

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