HRDG 4752 - Disciplinary or Alternative Actions - Section C

Last Modified:

Subchapter 4752 - Disciplinary or Alternative Actions
Section C - General Guidance for Supervisors

- Responsibilities of Supervisors
- Delegations of Authority for Employee Relations Actions
- Reasons for Taking Action
- What Actions Should Be Reported to an ERS?
- Factors to Consider
- Benefits of Prompt Supervisory Action
- Reporting Sexual Harassment/Discrimination
- Examples of Misconduct Situations
- What Happens After Reporting Alleged Violation

Return to 4752 Table of Contents

Responsibilities of Supervisors

Supervisors **must** set consistent policies and procedures (e.g., leave policies and procedures) and enforce them in a fair and equitable manner. Supervisors **must:**

- Be knowledgeable of and consistently enforce the conduct and responsibility regulations (see Subchapter 4735 of your SDG for Agency regulations on Conduct and Responsibilities and the USDA Employee Handbook, Employee Responsibilities and Conduct);
- Communicate the conduct and responsibility regulations to their employees, and ensure that their employees know and understand them;
- Provide positive leadership and set a good example for their employees;
- Know how to recognize potential or actual misconduct problems, and how to handle these problems in the most effective manner;
- Create and maintain a safe and secure environment at the workplace;
- Address employee problems as early as possible and properly document employee problems; and
- Report conduct and responsibility violations, through appropriate internal supervisory channels, then your servicing Employee Relations Specialist (see **Section A**).

For more information contact your servicing ERS.

	AMS	APHIS	GIPSA
Delegations of Authority for ER Actions	AMS Delegation of Authority for COVID Mandate LOCs (201.29 KB) Delegation of Authority for AMS-Livestock and Poultry (329.74 KB) Explanatory Memo AMS (except ITS	**APHIS** Memorandum - Delegation of Authority for Disciplinary Actions Involving Improper Use of USDA Information Technology Resources (373.82 KB) Memorandum - Delegation of Authority for Disciplinary Actions Involving Telematics-Identified Improper Use of Government Equipment (367.02 KB) Memorandum - Letters of Caution on COVID-19 Vaccination Mandate (201.33 KB) Animal Care (AC) (54.28 KB) Email to AC regarding 2017 Delegation of ER Authority (141.06 KB) Acquisition and Asset Management Division (AAMD) (155.37 KB) Biotechnology Regulatory Services (BRS) (500.66 KB) Civil Rights Enforcement and Compliance (CREC) (15.24 KB) Employee Services Division (ESD) (14.46 KB)	**GIPSA** Explanatory Memo (669.29 KB)

A supervisor **ALWAYS** should carefully consider what action is appropriate in a given situation to correct the employee problem--whether it is an alternative action (identified in Section D) or disciplinary/adverse action (identified in Section E). **The appropriate action selected should be the minimum action necessary to correct the problem.**

Reasons for Taking Actions

Several reasons for taking action to correct employee misconduct problem(s) are:

- Supervisors have a responsibility to do so;
- To advise employees they must comply with the regulations;
- To improve the morale of the workplace; and
- To maintain an efficient work environment.

What Actions Should Be Reported to an ERS?

Supervisors should **promptly** report any perceived violation(s) of conduct and responsibility regulations, through appropriate internal channels, to their servicing Employee Relations Specialist (ERS) (identified in Section A). Dependent upon the specific circumstances, the ERS will advise the supervisor on how to proceed.

In some cases, there may be alternatives to traditional discipline as a means for modifying behavior--particularly if supervisors recognize potential problems early and deal with them effectively.

Factors to Consider

Supervisors should assess the misconduct in relationship to the impact it may have on the employee's work, the agency, and other coworkers. The following are some factors which should be considered when determining what action to take:

- Is this the first offense or is it repeated?
- Is it a minor violation or is it serious?
- What is the notoriety of the offense and its impact on the Agency?
- What is the employee's past disciplinary record?
- Was it intentional or inadvertent?
- How well was the employee aware of the rules and regulations (e.g., employee must be clearly advised that a rule will be enforced)?
- Was the offense for personal gain?
- What is the employee's position and overall record (i.e., length of service, job performance)?
- Were there any mitigating circumstances (i.e., unusual job tensions, personality problems, etc.)?
- What is the potential for rehabilitation?

Benefits of Prompt Supervisory Action

A supervisor's delay or failure to take action to correct conduct deficiencies may lead to increased problems. Also, the time and effort expended on correcting deficiencies will be a good investment of time and energy if the problems are resolved.

If a supervisor perceives or an employee reports or alleges sexual harassment, a supervisor is held accountable for seeking out the allegations and taking necessary action to ensure that the harassment ceases.

Reporting Sexual Harassment/ Discrimination

If an employee alleges sexual harassment, a supervisor should refer the employee to an Equal Employment Opportunity counselor or advise the employee to contact the Director, Civil Rights Enforcement and Compliance (CREC) on (202) 720-6312. The supervisor should contact CREC if further information is needed.

Further information on sexual harassment can be found in APHIS Directive 401.5, Preventing Sexual Harassment in the Workplace. Information on complaints of discrimination can be found in APHIS Directive 401.4, Individual Discrimination Complaints Procedures.

The following are several examples of specific misconduct situations in which supervisors should seek assistance from their servicing Employee Relations Specialist (ERS). Although not all-inclusive, suggestions are given for addressing various situations.

Examples of Misconduct Situations

EXAMPLES OF MISCONDUCT:	SUPERVISOR SHOULD:
Frequent tardiness	• Document time of arrival when employee is tardy; • Counsel employee promptly; • If problem continues, do a cautionary memo; • If problem continues, contact an ERS for guidance.
Frequent absences	• Check leave balance and discuss with employee; • Define leave procedures and policy with employee; • Place employee under Leave Restriction (ERS will advise); • If warranted, refer employee to Employee Assistance Program (EAP); • If necessary, charge AWOL (Absence Without Official Leave); • Discuss with ERS; • Take appropriate further action.
Evidence of theft	Contact ERS for guidance.
Substance abuse at work	• Document specific observations and discuss with employee; • Document discussions and give employee a copy of document; • Discuss situation with ERS; • If necessary, remove employee from critical activities which pose a safety hazard; • If warranted, refer employee to EAP;

The following provides a **general** synopsis of events after a supervisor reports an alleged violation or employee problem to their servicing Employee Relations Specialist (ERS):

	ERS	Supervisor
What Happens After Reporting Alleged Violation	Requests documentation	Sends pertinent documentation to ERS.
	ERS reviews documentation and discusses options with supervisor	Confers with ERS as to what is the best approach.
	If necessary, an investigation is conducted (e.g., theft)	Reviews investigative information and decides on the appropriate action to take.
	If unofficial/informal or alternative action is warranted, ERS gives guidance to supervisor	Writes informal letter, counsels employee, or takes other alternative action.
	If official disciplinary action is necessary, ERS writes letter(s)	Signs and presents letter(s) to the employee, or sends certified letter(s) if employee is not at work.

Return to 4752 Table of Contents

Print