

EMPLOYEE/MANAGEMENT RELATIONS

1. REASON FOR ISSUE: To implement provisions of the “Government Charge Card Abuse Prevention Act of 2012” (Public Law 112-194, dated October 5, 2012) as it relates to penalties for misuse of purchase cards, convenience checks, and travel cards.

2. SUMMARY OF CONTENTS/MAJOR CHANGES: This handbook contains VA procedures on employee/management relations. The pages in this handbook replace the corresponding page numbers in VA Handbook 5021. Revised text is contained in [brackets]. These changes will be incorporated into the electronic version of VA Handbook 5021 that is maintained on the [Office of Human Resources Management Web site](#). Significant changes include:

a. Adds a new penalty range to the Table of Penalties for failure to adhere to the rules governing the use of purchase cards, convenience checks and travel cards.

b. Establishes a consolidated Table of Penalties for all employees under title 5 and title 38. The revised table has been incorporated in Appendix A of parts I and II.

3. RESPONSIBLE OFFICE: The Employee Relations and Performance Management Service (051), Office of the Deputy Assistant Secretary for Human Resources Management.

4. RELATED DIRECTIVE: VA Directive 5021, Employee/Management Relations.

5. RESCISSIONS: None.

CERTIFIED BY:

/s/Stephen W. Warren
Acting Assistant Secretary for
Information and Technology

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/Rafael A. Torres
Acting Assistant Secretary for
Human Resources and Administration

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2. RANGE OF PENALTIES FOR STATED OFFENSES

NOTE: 'Days' specified in this table refer to [calendar days for suspension actions].

TABLE OF PENALTIES FOR TITLE 5 AND TITLE 38 EMPLOYEES

| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|--|---------------------------|-----------------------|-----------------------|
| | Minimum to Maximum | Minimum to Maximum | Minimum to Maximum |
| Attendance | | | |
| 1. Unexcused tardiness. | Admonishment Reprimand | Reprimand 7 days | 7 days Removal |
| 2. Unexcused or unauthorized absence. | Admonishment Reprimand | Reprimand 14 days | 14 days Removal |
| 3. Leaving job to which assigned or VA premises, during working hours, without proper permission. | Admonishment Reprimand | Reprimand 7 days | 14 days Removal |
| 4. Obtaining or requesting leave under false pretense, or falsifying attendance record for self or another employee. | Reprimand Removal | 14 days Removal | Removal |
| Safety and Health | | | |
| 5. Smoking in unauthorized places or carrying of matches in explosive areas. | Admonishment Reprimand | Reprimand 14 days | 14 days Removal |
| 6. Failure to report personal injury or accident. | Admonishment Reprimand | Reprimand 14 days | 14 days Removal |
| 7. Failure to observe precaution for personal safety, posted rules, signs, written or oral safety instructions; failure to use protective clothing or equipment; or carry flammable materials into a hazardous area. | Admonishment 14 days | Reprimand Removal | 14 days Removal |
| 8. Violating traffic regulations, reckless driving, or improper operation of a motor vehicle while on VA premises or in a duty status. | Admonishment 14 days | Reprimand Removal | 14 days Removal |
| 9. Endangering the safety of or causing injury to anyone on VA premises. | Admonishment Removal | 14 days Removal | Removal |
| 10. Abuse of patients or beneficiaries. | Reprimand Removal | 14 days Removal | Removal |

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| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|---|---------------------------|-----------------------|-----------------------|
| | Minimum to Maximum | Minimum to Maximum | Minimum to Maximum |
| Information and Security | | | |
| 11. Failure to safeguard confidential matter or access to such. | Admonishment Removal | Reprimand Removal | 14 days Removal |
| 12. Intentional falsification, misstatement, or concealment of material fact; willfully forging or falsifying official Government documents; or refusal to cooperate in an investigative proceeding. | Reprimand Removal | 14 days Removal | Removal |
| 13. Except as specifically authorized, disclosing or using direct or indirect information obtained as a result of employment in VA, which is of a confidential nature or which represents a matter of trust; or any other information so obtained of such character that its disclosure or use would be contrary to the best interests of the Government, VA, or the Veterans being served by it. | Reprimand Removal | Removal | |
| 14. Violation of the Privacy Act, HIPAA or other laws, regulations and/or policy pertaining to information disclosure. | Reprimand Removal | 14 days Removal | Removal |
| General Misconduct | | | |
| 15. Loafing, willful idleness, or waste of time. | Admonishment Reprimand | Reprimand 14 days | 14 days Removal |
| 16. Careless or negligent workmanship resulting in waste or delay. | Admonishment Reprimand | Reprimand 14 days | 14 days Removal |
| 17. Sleeping on duty. | | | |
| a. Where safety of patients, beneficiaries, members, employees or property is not endangered. | Admonishment Reprimand | Reprimand 14 days | 14 days Removal |
| b. Where safety of patients, beneficiaries, members, employees, or property may be endangered. | 7 days Removal | Removal | |
| 18. Deliberate failure or unreasonable delay in carrying out instructions. | Admonishment Reprimand | 7 days 14 days | 14 days Removal |
| 19. Deliberate refusal to carry out any proper order from a supervisor having responsibility for the work of the employee; willful resistance to same. | Reprimand Removal | 14 days Removal | Removal |

| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|--|---|---|---------------------------------------|
| | Minimum to Maximum | Minimum to Maximum | Minimum to Maximum |
| General Misconduct | | | |
| 20. Making false or unfounded statements, which are slanderous or defamatory, about other employees or officials. | Reprimand Removal | 14 days Removal | Removal |
| 21. Disrespectful, insulting, abusive, insolent, or obscene language or conduct to or about supervisors, other employees, patients, or visitors. | Reprimand Removal | 14 days Removal | Removal |
| 22. Fighting, threatening, attempting or inflicting bodily injury to another; engaging in dangerous horseplay. NOTE: <i>Penalty depends on such factors as provocation, extent of any injuries, and whether actions were defensive or offensive in nature.</i> | Reprimand Removal | 14 days Removal | Removal |
| Alcohol and Drug Related | | | |
| 23. Offenses related to intoxicants. a. Alcohol-related: (1) Unauthorized possession of alcoholic beverages while on VA premises. (2) Unauthorized use of alcoholic beverages while on VA premises. (3) Reporting to or being on duty while under the influence of alcohol. (4) Sale or transfer of an alcoholic beverage while on VA premises or in a duty status, or while any person involved is in a duty status. | Reprimand 7 days Reprimand 14 days Reprimand Removal 14 days Removal | 14 days Removal 14 days Removal 14 days Removal Removal | Removal Removal Removal |

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| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|---|---|---|-----------------------|
| | Minimum to Maximum | Minimum to Maximum | Minimum to Maximum |
| Alcohol and Drug Related | | | |
| <p>b. Drug-related:</p> <p>(1) Possession of an illegal drug or unauthorized possession of a controlled substance while on VA premises.</p> <p>(2) Unauthorized use of an illegal drug or controlled substance while on VA premises.</p> <p>(3) Reporting to or being on duty while under the influence of an illegal drug or unauthorized controlled substance.</p> <p>(4) Sale or transfer of an illegal drug or controlled substance while on VA premises or in a duty status, or while any person involved is in a duty status.</p> <p>(5) Refusal to take drug test.</p> <p>NOTE: <i>For offenses relating to VA's Drug-Free Workplace Program, see VA Directive and Handbook 5383.</i></p> | <p>7 days Removal</p> <p>14 days Removal</p> <p>14 days Removal</p> <p>14 days Removal</p> <p>Removal</p> | <p>14 days Removal</p> <p>Removal</p> <p>Removal</p> <p>Removal</p> | <p>Removal</p> |
| Outside Activities / Financial Interest | | | |
| 24. Indebtedness; lack of good faith in paying just financial obligations. | Admonishment | Admonishment Reprimand | Reprimand Removal |
| 25. Participation in any type of outside activities, of relationships with contractors, lenders, builders, or others engaged in business with VA, or relationships with those seeking contracts, which would be contrary to the best interests of VA and the Veterans it serves. NOTE: <i>Penalty action will be determined on the basis of whether the activities, or relationships, might result in a conflict between the private interest of the employee and his/her duty and obligation to VA, or tend to create in the minds of others a suspicion of prejudice or favoritism that would be of embarrassment to VA.</i> | Admonishment Removal | 14 days Removal | Removal |

| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|---|-----------------------|-----------------------|-----------------------|
| | Minimum to Maximum | Minimum to Maximum | Minimum to Maximum |
| Outside Activities / Financial Interest | | | |
| 26. Gambling, unlawful betting, or the promotion thereof, on VA premises. | Reprimand 14 days | 14 days Removal | Removal |
| 27. Participating in a strike, work stoppage, sick-out, slowdown, or other job action. | Reprimand Removal | Removal | |
| 28. Borrowing from, or lending money to, any beneficiary or claimant of VA; or borrowing from, or lending money to, another VA employee (or non-VA employee) for the purpose of monetary gain while on duty or on VA property. | Reprimand Removal | Removal | |
| 29. Soliciting contributions for, or otherwise promoting, on premises occupied by VA, of any type of campaign which has not had appropriate VA endorsement. | Reprimand Removal | 14 days Removal | Removal |
| 30. Selling tickets, stocks, articles, or commodities or services on VA premises that has not had appropriate VA endorsement. | Reprimand Removal | 14 days Removal | Removal |
| 31. Accepting gifts or gratuities (whether in the form of goods, money, services, purchases at discount, entertainment, or similar favors) from claimants or beneficiaries of VA, or individuals or firms doing business with or having contractual relations with VA. | Reprimand Removal | Removal | |
| 32. Owning any interest in, or receiving any wages, salary dividends, profits, gratuities, or services from any educational institution operated for profit in which an eligible Veteran, or person, is pursuing a course of education or training under 38 U.S.C. 34 and 35, where it is determined that detriment will result to the United States or to eligible Veterans, or persons, by reason or such interest or connection. | Removal | | |

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| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|--|---|--|------------------------|
| | Minimum/ Maximum | Minimum/ Maximum | Minimum/ Maximum |
| Use of Government Property | | | |
| 33. Loss of, damage to, or unauthorized use of Government property: a. Through carelessness or negligence b. Through maliciousness or intent | Admonishment 14 days Reprimand Removal | 14 days Removal 14 days Removal | Removal Removal |
| 34. Actual or attempted removal of Government property or other property from VA premises. | Reprimand Removal | 14 days Removal | Removal |
| Discrimination / EEO / Protected Activity | | | |
| 35. Sexual harassment. | Reprimand Removal | 7 days Removal | 14 days Removal |
| 36. Discrimination based on race, color, sex, religion, national origin, age, marital status, political affiliation, or disability. | Reprimand Removal | 7 days Removal | 14 days Removal |
| 37. 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. | Reprimand Removal | 7 days Removal | Removal |
| 38. Reprisal against an employee for providing information to an Office of Inspector General (or equivalent) or Office of Special Counsel, or to an EEO investigator, or for testifying in an official proceeding. | 14 days Removal | Removal | |
| 39. Reprisal against an employee for exercising a right provided under 5 U.S.C. 71 (Federal Labor Management Relations Statute). | Reprimand Removal | 7 days Removal | 14 days Removal |
| 40. Violation of an employee's constitutional rights (i.e., freedom of speech, association, religion). | Reprimand Removal | 7 days Removal | 14 days Removal |

| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|--|---------------------------------------|---------------------|---------------------|
| | Minimum/ Maximum | Minimum/ Maximum | Minimum/ Maximum |
| Offenses Prescribed in Statute | | | |
| 41. Failure to adhere to the rules governing the use of Government charge cards (purchase, travel, or fleet) and convenience checks. | Admonishment Removal | 7 days Removal | 14 days Removal |
| 42. Prohibited personnel practice (5 U.S.C. 2302). | Reprimand Removal | 14 days Removal | Removal |
| 43. Willfully using or authorizing the use of Government passenger motor vehicle or aircraft for other than official purposes (31 U.S.C. 1349(b)). | 30 days Removal | Removal | |
| 44. Finding by MSPB of refusal to comply with MSPB order or of violation of statute causing issuance of Special Counsel complaint ((5 U.S.C. 1204(a)(2) and 1212(a)). <i>NOTE: Penalty may need to be coordinated with Office of Special Counsel.</i> | Reprimand Removal | 7 days Removal | 14 days Removal |
| 45. Prohibited Political Activity: a. Violation of prohibition against the solicitation of political contributions (5 U.S.C. 7323). b. Violation of prohibition against influencing elections (5 U.S.C. 7324). <i>NOTE: Actions based on Hatch Act violations will be initiated by the Office of Special Counsel.</i> | Removal 30 days Removal | Removal | |
| 46. Soliciting contributions for a gift for a superior; making a donation as a gift to a superior; accepting a gift from an employee receiving less pay (5 U.S.C. 7351). | Reprimand Removal | 14 days Removal | Removal |
| 47. Directing, expecting, or rendering services not covered by appropriations (5 U.S.C. 3103). | Removal | | |
| 48. Failure to deposit into the Treasury money accruing from lapsed salaries or from unused appropriations for salaries (5 U.S.C. 5501). | Removal | | |

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| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|---|---------------------|---------------------|---------------------|
| | Minimum/ Maximum | Minimum/ Maximum | Minimum/ Maximum |
| Offenses Prescribed in Statute | | | |
| 49. Action against national security (5 U.S.C. 7532). | 30 days Removal | Removal | |
| 50. Mutilating or destroying a public record (18 U.S.C. 2071). | Removal | | |

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APPENDIX A. TITLE 38 - TABLE OF PENALTIES**1. INSTRUCTIONS FOR USE OF TABLE**

a. **General.** This appendix will be used as a guide in the administration of disciplinary and major adverse actions to help ensure that like actions are taken for like offenses. The table is designed to be sufficiently broad to include most types of offenses, but is not intended to be an exhaustive listing of all offenses. For other offenses, appropriate penalties may be prescribed by decision officials for application within their jurisdiction, consistent with the range of penalties for comparable offenses listed in the table. Disciplinary penalties will generally fall between the ranges indicated in the guide, but in unusual circumstances greater or lesser penalties may be imposed. In determining action to be taken in a specific case, mitigating and aggravating factors should be considered such as length of service, past employment record, the potential for improved behavior, etc.

b. Application of Table

(1) **Progressive Discipline.** Offenses need not be identical in order to support progressively more severe adverse action against an employee. For example, an employee who has received an admonishment for being absent without leave (AWOL) can receive a reprimand for sleeping on duty, and possibly be suspended or discharged for a third offense unrelated to the two previous infractions.

(2) **Combination of Offenses.** When an employee has committed a combination or series of offenses, a greater penalty than is listed for a single offense may be appropriate.

(3) This guide does not cover all offenses for which adverse penalties are expressly provided by law or Civil Service regulation. A further listing of penalties prescribed by statute, regulation, or Executive Order is contained in 5 CFR, part 735.

(4) Where appropriate, alternate penalties may be used in place of discharge as provided in this chapter, except as noted for the offense described in item 28 of the table. Alternate penalties include reduction in grade, reduction in basic pay, and transfer.

(5) Discharge action will be taken whenever required by law or regulation or whenever warranted by the facts in the individual case. Usually progressively more severe penalties will be administered before discharge action is initiated, unless the offense is so serious that it warrants discharge action.

NOTE: *Although oral or written counselings of employees are not considered disciplinary actions, such counselings may be considered when assessing the appropriate penalty for a particular offense.*

2. RANGE OF PENALTIES FOR STATED OFFENSES

NOTE: [*Days' specified in this table refer to calendar days for suspension actions.*]

PART II

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TABLE OF PENALTIES FOR TITLE 5 AND TITLE 38 EMPLOYEES

| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|--|---------------------------|-----------------------|-----------------------|
| | Minimum to Maximum | Minimum to Maximum | Minimum to Maximum |
| Attendance | | | |
| 1. Unexcused tardiness. | Admonishment Reprimand | Reprimand 7 days | 7 days Removal |
| 2. Unexcused or unauthorized absence. | Admonishment Reprimand | Reprimand 14 days | 14 days Removal |
| 3. Leaving job to which assigned or VA premises, during working hours, without proper permission. | Admonishment Reprimand | Reprimand 7 days | 14 days Removal |
| 4. Obtaining or requesting leave under false pretense, or falsifying attendance record for self or another employee. | Reprimand Removal | 14 days Removal | Removal |
| Safety and Health | | | |
| 5. Smoking in unauthorized places or carrying of matches in explosive areas. | Admonishment Reprimand | Reprimand 14 days | 14 days Removal |
| 6. Failure to report personal injury or accident. | Admonishment Reprimand | Reprimand 14 days | 14 days Removal |
| 7. Failure to observe precaution for personal safety, posted rules, signs, written or oral safety instructions; failure to use protective clothing or equipment; or carry flammable materials into a hazardous area. | Admonishment 14 days | Reprimand Removal | 14 days Removal |
| 8. Violating traffic regulations, reckless driving, or improper operation of a motor vehicle while on VA premises or in a duty status. | Admonishment 14 days | Reprimand Removal | 14 days Removal |
| 9. Endangering the safety of or causing injury to anyone on VA premises. | Admonishment Removal | 14 days Removal | Removal |
| 10. Abuse of patients or beneficiaries. | Reprimand Removal | 14 days Removal | Removal |

| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|---|--|-------------------------------------|-----------------------|
| | Minimum to Maximum | Minimum to Maximum | Minimum to Maximum |
| Information and Security | | | |
| 11. Failure to safeguard confidential matter or access to such. | Admonishment Removal | Reprimand Removal | 14 days Removal |
| 12. Intentional falsification, misstatement, or concealment of material fact; willfully forging or falsifying official Government documents; or refusal to cooperate in an investigative proceeding. | Reprimand Removal | 14 days Removal | Removal |
| 13. Except as specifically authorized, disclosing or using direct or indirect information obtained as a result of employment in VA, which is of a confidential nature or which represents a matter of trust; or any other information so obtained of such character that its disclosure or use would be contrary to the best interests of the Government, VA, or the Veterans being served by it. | Reprimand Removal | Removal | |
| 14. Violation of the Privacy Act, HIPAA or other laws, regulations and/or policy pertaining to information disclosure. | Reprimand Removal | 14 days Removal | Removal |
| General Misconduct | | | |
| 15. Loafing, willful idleness, or waste of time. | Admonishment Reprimand | Reprimand 14 days | 14 days Removal |
| 16. Careless or negligent workmanship resulting in waste or delay. | Admonishment Reprimand | Reprimand 14 days | 14 days Removal |
| 17. Sleeping on duty. a. Where safety of patients, beneficiaries, members, employees or property is not endangered. b. Where safety of patients, beneficiaries, members, employees, or property may be endangered. | Admonishment Reprimand 7 days Removal | Reprimand 14 days Removal | 14 days Removal |
| 18. Deliberate failure or unreasonable delay in carrying out instructions. | Admonishment Reprimand | 7 days 14 days | 14 days Removal |
| 19. Deliberate refusal to carry out any proper order from a supervisor having responsibility for the work of the employee; willful resistance to same. | Reprimand Removal | 14 days Removal | Removal |

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| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|--|-----------------------|-----------------------|-----------------------|
| | Minimum to Maximum | Minimum to Maximum | Minimum to Maximum |
| General Misconduct | | | |
| 20. Making false or unfounded statements, which are slanderous or defamatory, about other employees or officials. | Reprimand Removal | 14 days Removal | Removal |
| 21. Disrespectful, insulting, abusive, insolent, or obscene language or conduct to or about supervisors, other employees, patients, or visitors. | Reprimand Removal | 14 days Removal | Removal |
| 22. Fighting, threatening, attempting or inflicting bodily injury to another; engaging in dangerous horseplay. NOTE: <i>Penalty depends on such factors as provocation, extent of any injuries, and whether actions were defensive or offensive in nature.</i> | Reprimand Removal | 14 days Removal | Removal |
| Alcohol and Drug Related | | | |
| 23. Offenses related to intoxicants. a. Alcohol-related: (1) Unauthorized possession of alcoholic beverages while on VA premises. (2) Unauthorized use of alcoholic beverages while on VA premises. (3) Reporting to or being on duty while under the influence of alcohol. (4) Sale or transfer of an alcoholic beverage while on VA premises or in a duty status, or while any person involved is in a duty status. | Reprimand 7 days | 14 days Removal | Removal |

| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|--|---|---|-----------------------|
| | Minimum to Maximum | Minimum to Maximum | Minimum to Maximum |
| Alcohol and Drug Related | | | |
| <p>b. Drug-related:</p> <p>(1) Possession of an illegal drug or unauthorized possession of a controlled substance while on VA premises.</p> <p>(2) Unauthorized use of an illegal drug or controlled substance while on VA premises.</p> <p>(3) Reporting to or being on duty while under the influence of an illegal drug or unauthorized controlled substance.</p> <p>(4) Sale or transfer of an illegal drug or controlled substance while on VA premises or in a duty status, or while any person involved is in a duty status.</p> <p>(5) Refusal to take drug test.</p> <p>NOTE: For offenses relating to VA's Drug-Free Workplace Program, see VA Directive and Handbook 5383.</p> | <p>7 days Removal</p> <p>14 days Removal</p> <p>14 days Removal</p> <p>14 days Removal</p> <p>Removal</p> | <p>14 days Removal</p> <p>Removal</p> <p>Removal</p> <p>Removal</p> | <p>Removal</p> |
| Outside Activities / Financial Interest | | | |
| 24. Indebtedness; lack of good faith in paying just financial obligations. | Admonishment | Admonishment Reprimand | Reprimand Removal |
| 25. Participation in any type of outside activities, of relationships with contractors, lenders, builders, or others engaged in business with VA, or relationships with those seeking contracts, which would be contrary to the best interests of VA and the Veterans it serves. NOTE: Penalty action will be determined on the basis of whether the activities, or relationships, might result in a conflict between the private interest of the employee and his/her duty and obligation to VA, or tend to create in the minds of others a suspicion of prejudice or favoritism that would be of embarrassment to VA. | Admonishment Removal | 14 days Removal | Removal |

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| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|---|-----------------------|-----------------------|-----------------------|
| | Minimum to Maximum | Minimum to Maximum | Minimum to Maximum |
| Outside Activities / Financial Interest | | | |
| 26. Gambling, unlawful betting, or the promotion thereof, on VA premises. | Reprimand 14 days | 14 days Removal | Removal |
| 27. Participating in a strike, work stoppage, sick-out, slowdown, or other job action. | Reprimand Removal | Removal | |
| 28. Borrowing from, or lending money to, any beneficiary or claimant of VA; or borrowing from, or lending money to, another VA employee (or non-VA employee) for the purpose of monetary gain while on duty or on VA property. | Reprimand Removal | Removal | |
| 29. Soliciting contributions for, or otherwise promoting, on premises occupied by VA, of any type of campaign which has not had appropriate VA endorsement. | Reprimand Removal | 14 days Removal | Removal |
| 30. Selling tickets, stocks, articles, or commodities or services on VA premises that has not had appropriate VA endorsement. | Reprimand Removal | 14 days Removal | Removal |
| 31. Accepting gifts or gratuities (whether in the form of goods, money, services, purchases at discount, entertainment, or similar favors) from claimants or beneficiaries of VA, or individuals or firms doing business with or having contractual relations with VA. | Reprimand Removal | Removal | |
| 32. Owning any interest in, or receiving any wages, salary dividends, profits, gratuities, or services from any educational institution operated for profit in which an eligible Veteran, or person, is pursuing a course of education or training under 38 U.S.C. 34 and 35, where it is determined that detriment will result to the United States or to eligible Veterans, or persons, by reason or such interest or connection. | Removal | | |

| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|--|-------------------------|---------------------|---------------------|
| | Minimum/ Maximum | Minimum/ Maximum | Minimum/ Maximum |
| Use of Government Property | | | |
| 33. Loss of, damage to, or unauthorized use of Government property: | | | |
| a. Through carelessness or negligence | Admonishment 14 days | 14 days Removal | Removal |
| b. Through maliciousness or intent | Reprimand Removal | 14 days Removal | Removal |
| 34. Actual or attempted removal of Government property or other property from VA premises. | Reprimand Removal | 14 days Removal | Removal |
| Discrimination / EEO / Protected Activity | | | |
| 35. Sexual harassment. | Reprimand Removal | 7 days Removal | 14 days Removal |
| 36. Discrimination based on race, color, sex, religion, national origin, age, marital status, political affiliation, or disability. | Reprimand Removal | 7 days Removal | 14 days Removal |
| 37. 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. | Reprimand Removal | 7 days Removal | Removal |
| 38. Reprisal against an employee for providing information to an Office of Inspector General (or equivalent) or Office of Special Counsel, or to an EEO investigator, or for testifying in an official proceeding. | 14 days Removal | Removal | |
| 39. Reprisal against an employee for exercising a right provided under 5 U.S.C. 71 (Federal Labor Management Relations Statute). | Reprimand Removal | 7 days Removal | 14 days Removal |
| 40. Violation of an employee's constitutional rights (i.e., freedom of speech, association, religion). | Reprimand Removal | 7 days Removal | 14 days Removal |

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| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|--|-----------------------------------|---------------------|---------------------|
| | Minimum/ Maximum | Minimum/ Maximum | Minimum/ Maximum |
| Offenses Prescribed in Statute | | | |
| 41. Failure to adhere to the rules governing the use of Government charge cards (purchase, travel, or fleet) and convenience checks. | Admonishment Removal | 7 days Removal | 14 days Removal |
| 42. Prohibited personnel practice (5 U.S.C. 2302). | Reprimand Removal | 14 days Removal | Removal |
| 43. Willfully using or authorizing the use of Government passenger motor vehicle or aircraft for other than official purposes (31 U.S.C. 1349(b)). | 30 days Removal | Removal | |
| 44. Finding by MSPB of refusal to comply with MSPB order or of violation of statute causing issuance of Special Counsel complaint ((5 U.S.C. 1204(a)(2) and 1212(a)). <i>NOTE: Penalty may need to be coordinated with Office of Special Counsel.</i> | Reprimand Removal | 7 days Removal | 14 days Removal |
| 45. Prohibited Political Activity: a. Violation of prohibition against the solicitation of political contributions (5 U.S.C. 7323). b. Violation of prohibition against influencing elections (5 U.S.C. 7324). <i>NOTE: Actions based on Hatch Act violations will be initiated by the Office of Special Counsel.</i> | Removal 30 days Removal | Removal | |
| 46. Soliciting contributions for a gift for a superior; making a donation as a gift to a superior; accepting a gift from an employee receiving less pay (5 U.S.C. 7351). | Reprimand Removal | 14 days Removal | Removal |
| 47. Directing, expecting, or rendering services not covered by appropriations (5 U.S.C. 3103). | Removal | | |
| 48. Failure to deposit into the Treasury money accruing from lapsed salaries or from unused appropriations for salaries (5 U.S.C. 5501). | Removal | | |

| NATURE OF OFFENSE | 1ST OFFENSE | 2ND OFFENSE | 3RD OFFENSE |
|---|---------------------|---------------------|---------------------|
| | Minimum/ Maximum | Minimum/ Maximum | Minimum/ Maximum |
| Offenses Prescribed in Statute | | | |
| 49. Action against national security (5 U.S.C. 7532). | 30 days Removal | Removal | |
| 50. Mutilating or destroying a public record (18 U.S.C. 2071). | Removal | | |

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