

TABLE OF PENALTIES FOR TITLE 5, HYBRID TITLE 38, AND TITLE 38 EMPLOYEES

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

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.	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.	Reprimand 7 days	14 days Removal	Removal
(2) Unauthorized use of alcoholic beverages while on VA premises.	Reprimand 14 days	14 days Removal	Removal
(3) Reporting to or being on duty while under the influence of alcohol.	Reprimand Removal	14 days Removal	Removal
(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.	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: <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

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	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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	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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	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)). NOTE: <i>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). NOTE: <i>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		
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		