UNITED STATES MARINE CORPS
MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA 28542-5001

BO 12750.3A
CPD/rtp
21 Apr 1986

BASE ORDER 12750.3A, CH1, CH2

From: Commanding General
To: Distribution List

Subj: Discipline, Conduct and Adverse Actions for Nonappropriated Fund Employees

Ref: (a) SECNAVINST 5300.22A (NOTAL)
(b) MCO 5300.9B (NOTAL)
(c) Negotiated Agreement between MCB (NAF Unit) and AFGE, Local 2065

Encl: (1) Guidance in Effecting Disciplinary Actions
(2) Guidelines for Selecting Appropriate Penalty in Disciplinary Action
(3) Format of Investigation

1. Purpose. To provide instructions and guidance in accordance with references (a) through (c) concerning discipline, conduct and adverse actions as they apply to Non-appropriated Fund (NAF) employees of the ~~organizations~~ nonappropriated fund Instrumentalities serviced by the NAF Personnel Office. Ch2

2. Cancellation. BO 12750.3.

3. Policy. It is the policy of this Command that disciplinary actions be administered in a constructive, progressive and timely manner for the purpose of maintaining discipline and morale among employees and correcting offending employees. Disciplinary action will be taken only for such cause that will promote the efficiency of the Non-appropriated Fund Instrumentalities (NAFI's). When formal action is necessary, the remedy imposed for disciplinary purposes should be the minimum necessary to correct the employee and maintain general discipline and morale in the workforce. These remedies should be consistent with enclosure (1) Guidance in Effecting Disciplinary Actions and enclosure (2) Guidance for Selecting Appropriate Penalty in Disciplinary Action. Deviation from the application of remedies listed in enclosures (1) and (2) requires supportable justification.

4. Definitions

a. "Days" means calendar days.

b. "Furlough" means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

c. "Grade" means a level of classification under a position classification system.

d. "Letter of Admonishment" means a written correction by a superior official of an employee's improper conduct.

e. "Letter of Caution" is an official document issued by a management official apprising an employee of the employee's failure to perform at a satisfactory level. It is a nondisciplinary and nonadverse action.

f. "Letter of Reprimand" means a written remedy by a superior official for an employee's improper conduct.

g. "Oral Admonishment" means an oral (verbal) correction by a superior of an employee's improper conduct.

h. "Pay" means the rate of basic pay fixed by a law or administrative action for the position held by an employee.

i. "Termination" is an action which involves absolute separation; it covers all separations except military separations and military furloughs of employees who are guaranteed restoration rights by law.

j. "Suspension" means the placing of an employee in a temporary nonduty, nonpay tus for disciplinary reasons.

k. "Letter of Requirement" means a nondisciplinary, written notice which levies an employment-related requirement upon the recipient.

l. "Grievable Action" is any action which is grievable in accordance with the provisions of references (a) and (c).

m. "Senior Command Official" means Commanding General, Marine Corps Base, Camp Lejeune, or in the absence thereof, the military officer designated to succeed to the position of command.

5. Coverage. This Order applies to the NAF employees of the following NAFI's:

a. Special Services.

ch2 b. Command Club Management System. G. Human Services Directorate

c. Marine Corps Exchange.

d. Nonappropriated Fund Personnel Office.

e. Morale Administrative Support Division.

f. Bachelor Housing Division

6. Exclusions. The following actions are excluded from coverage of this Order:

a. A suspension or termination taken in the interests of national security (5 USC 7532).

b. A reduction-in-force action.

c. The reduction in grade of a supervisor or manager who has not satisfactorily mpleted the probationary period if such reduction is to the grade held immediately efore becoming such a supervisor or manager.

d. A reassignment, a demotion or termination based solely on unsatisfactory performance.

e. A voluntary action initiated by an employee.

f. An action taken in accordance with reference (a) for suitability reasons.

g. Involuntary retirement because of disability.

h. Termination of appointment on the expiration date specified as a basic condition of employment at the time the appointment was made.

i. Action which terminates a temporary promotion within a maximum period of one year and returns the employee to the position from which temporarily promoted, or reassigns or demotes the employee to a different position not at a lower grade or level than the position from which temporarily promoted.

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

k. 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.

7. Responsibilities

a. Civilian Personnel Officer. The Civilian Personnel Officer is responsible providing oversight of the administration of policies and procedures for Discie, Conduct and Adverse Actions as they relate to employees of the NAFI's serviced he NAF Personnel Office.

b. NAF Personnel Officer. The NAF Personnel Officer, through the Employee Relations and Development Staff, is responsible for the following:

(1) Assisting supervisors and management officials at all levels in disciplinary matters.

(2) Providing technical review of investigations prior to discussion with employees.

(3) Drafting letters of admonishment, letters of caution, letters of reprimand, advance notices of disciplinary action and letters suspending an employee for 14 calendar days or less.

(4) Drafting all adverse disciplinary actions to ensure consistency and conformance to prescribed regulations and procedures.

(5) Upon request, advising employees against whom adverse actions are taken concerning grievance/appeal rights.

(6) Monitoring disciplinary procedures and recommending changes as appropriate.

(7) Maintaining records required by paragraph 11.

c. NAFI Heads. The NAFI Heads are responsible to ensure that discipline is administered in a consistent and equitable manner and to the best interest of the NAFI and the employees in order that the efficiency of the NAFI and the morale of the employees be maintained at a high level. The following is a listing of remedies at the disposal of the NAFI Heads to correct employees who have violated or failed to comply with the rules or customs governing personnel conduct, work procedures, safety practices, etc.:

(1) Admonishments, oral and written.

(2) Letters of Caution.

(3) Letters of Reprimand.

(4) Suspension without pay for 14 calendar days or less.

(5) Reassignment.

(6) Demotion.

(7) Suspension without pay for more than 14 calendar days.

(8) Termination.

d. Supervisors/Managers. The immediate supervisors/managers are responsible for maintaining discipline and morale among employees supervised and for initiating appropriate corrective action when warranted. In initiating corrective disciplinary action, supervisors/managers will be guided by enclosures (1) and (2). To ensure that supervisors exercise maximum responsibility over subordinates, employees will generally receive instructions or discipline from or through immediate supervisors. This does not preclude disciplinary action being initiated by higher levels of supervision. When this is done, the higher level supervisor should consult with, and to the extent practicable, work through the immediate supervisor. When a supervisor observes an infraction of rules and the immediate supervisor of the employee concerned is not available, this person may take such steps on the spot as appear warranted. Thereafter, this supervisor will locate the supervisor concerned, fully explain the circumstances, and place further responsibility for action in the hands of the immediate supervisor. When military personnel serve as immediate supervisors of civilians, they will exercise the same responsibilities as are exercised by civilian supervisors.

8. Delegation of Authority. Authority to suspend from duty for more than 14 calendar days, demote or terminate employees shall be retained by the NAFI Heads. The authority to orally admonish, issue letters of admonishment, letters of caution, letters of

equirement, and letters of reprimand shall be delegated in writing to subordinate anagers/supervisors. Copies of authorizations will be provided the NAF Personnel Officer.

a. The following individuals are delegated the authority to suspend employees for 14 calendar days or less and issue letters of proposed adverse action:

(1) Special Services: Deputy Special Services Director.

(2) Command Club Management System: Manager, Command Club Management System.

(3) Marine Corps Exchange: Assistant General Manager and Assistant Marine Corps Exchange Officers.

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(7). Human Services Directorate: Human Services manager

(4) NAF Personnel: NAF Personnel Officer.

(5) Morale Administrative Support Division: Accounting Officer, Morale Administrative Support Division.

(6) Bachelor Housing Asst Director, Bachelor Housing Division

b. The authority to take disciplinary action may be exercised by an official "acting" in the absence of the official to whom the respective authority has been delegated, but it may not be exercised "By direction."

9. Procedures

a. Investigation

(1) Prior to initiating any corrective disciplinary action, management must ascertain whether there is sufficient evidence to justify the contemplated action. A prima facie case that can withstand all of the following tests must exist: that the ction can be demonstrated to be for such cause as will promote the efficiency of the FI's, that the evidence has been thoroughly documented and can be supported by testi- ony or documents in a grievance or an appeal, and that the proposed action is consis- tent with other actions taken by the command.

(2) Such an investigation may be conducted by the employee's immediate supervisor or by any official so authorized. In cases where someone other than the immediate supervisor is designated to conduct the investigation, that person will be advised to whom they are to make the report and whether or not a recommendation is desired. The investigation may include: documented interviews of witnesses; acquisition and examination of pertinent evidence, documents and reports; visual inspection of the work or incident site (if relevant) and documentation of any unusual condition or special circumstances. An interview with the employee involved may be especially important to the inquiry. A properly conducted inquiry may disclose information or mitigating circumstances which otherwise might not be brought to light until a grievance/appeal hearing.

(3) The investigating official shall prepare an investigation as outlined in enclosure (3), recording all information, specifically and in detail, i.e., dates, times, specific instances, and other data necessary to understand the charge.

(4) Forward the investigation to the Supervisory Employee Relations and Development Specialist, NAF Personnel Office, for technical review.

(5) The guidance contained in enclosure (2) may be beneficial in determining the appropriate remedy or recommendation.

(6) When a letter of admonishment, letter of caution, letter of requirement, letter of reprimand, or suspension of 14 calendar days or less is considered the appropriate action, the investigation or other documentation that will support the action recommended should be promptly forwarded to the NAF Personnel Office by the individual authorized to take the above mentioned actions. The necessary correspondence will then be prepared and returned to the issuing official for signature and issuance to the fending employee(s).

(7) If an investigation is not conducted, a detailed description of the incident of misconduct, citing any rules and regulations violated, with statements of

witnesses, if any, must be submitted in narrative form to the NAF Personnel Office. If the information contained in the narrative is not considered sufficient by the Supervisory Employee Relations and Development Specialist, it will be returned to its originator for additional information. In addition to the above, when a letter of caution is to be issued, the following must be submitted:

(a) The job requirements the employee is failing to meet.

(b) What improvement in performance is expected of the employee.

(c) Dates when the employee was counselled concerning unsatisfactory work performance and what assistance the supervisor will give the employee in correcting the unsatisfactory performance.

(d) A recommendation as to the length of the trial period, from 30 to 90 days, for the employee to demonstrate satisfactory performance.

(8) When a penalty more severe than a suspension of 14 calendar days or less is considered necessary, the investigation will be forwarded to the NAF Personnel Office via the official authorized to take the recommended action or effect it. The NAF Personnel Office will prepare, in draft form, the advance notice of proposed adverse action for the approval of the appropriate official as shown in paragraph 7a. That person will issue the proposed letter and effect delivery to the employee. Delivery will be by such means as to ensure that a copy of the issued letter, with a signed receipt or certification of delivery, is transmitted to the NAF Personnel Office for retention and follow up.

b. Nonadverse, Nondisciplinary Actions. Letters of Caution (see enclosure (1) for discussion) are nonadverse, nondisciplinary actions and are not subject to the grievance procedures outlined in references (a) and (c). However, at the request of the employee, they may be reviewed by the NAFI Head. The following nonadverse, nondisciplinary actions are subject to the grievance procedure outlined in reference (c):

(1) Letter of Requirement (see enclosure (1) for discussion).

(2) Letter of Admonishment (see enclosure (1) for discussion).

c. Adverse Actions. Adverse actions include both disciplinary and nondisciplinary types of actions and are subject to the grievance/appeals procedures as outlined in references (a) and (c).

(1) Adverse disciplinary actions are:

(a) Suspensions without pay for more than 14 calendar days.

(b) Reduction in grade for cause.

(c) Involuntary termination for cause. (Separation for failure to qualify during the probationary period is not considered an adverse action.)

(2) Adverse nondisciplinary actions are:

(a) Reduction in grade or compensation (except termination of temporary promotion) based on reorganization or reclassification.

(b) Reduction in hours or schedule of work when it involves a change in the employee's category of employment or affects the employee's entitlement to basic employee benefits.

(c) Separation or demotion due to reduction-in-force.

(d) Separation due to disability extending beyond sick leave allowance.

(e) Furlough--a management initiated action which places an employee in a leave without pay status for a specific period of time and which is necessitated by a lack of work, insufficient funds, operational requirements (e.g. emergency situations, renovation of facilities, seasonal closures, etc.).

ADMINISTRATIVE GRIEVANCE PROCEDURE

1. The administrative grievance procedure is conducted on the basis of a three-step procedure that uses a review method consisting of a personal presentation to the official designated to decide the grievance, or a personal presentation to an agent designated by the deciding official (to review the grievance and submit a report of findings and, optionally, recommendations), or a review of the written record by the deciding official.

a. The grievant has the right at any step of the grievance procedure to representation by a person of the grievant's own choice, subject to the willingness of the chosen person to serve, no conflict of interest or position, and the priority needs of the NAFI. Tne employee and representative will be free from restraint, coercion, discrimination, or reprisal stemming from the presentation of the grievance.

(1) Step 1 - Informal Oral Presentation. The aggrieved employee will present the grievance orally to the immediate supervisor within five calendar days following the condition or circumstances which caused the employee to be aggrieved, and will specify the relief requested. If the grievance is against the immediate supervisor or if the aggrieved employee feels that discussion of the problem with the immediate supervisor would be prejudicial to the employee's interest, the employee (after notifying the immediate supervisor) will present the grievance orally to the next higher supervisor. The supervisor will provide an oral response to the grievant within five calendar days after receipt of the informal oral grievance.

(2) Step 2 - Division Head. If the informal oral grievance was not resolved to the satisfaction of the employee at Step 1, the employee has five calendar days from receipt of the supervisor's oral response to present a written grievance to the division head. The written grievance must state the specific nature of the grievance and the corrective action desired. The supervisor will provide the division head with any information necessary to complete a review of the grievance. The division head will attempt to resolve the grievance and provide a final written response to the grievant within five calendar days after receipt of the written grievance.

(3) Step 3 - NAFI Head. If the grievance was not resolved to the satisfaction of the employee at Step 2, the employee has five calendar days from receipt of the Step 2 response to present a written grievance to the NAFI head. The written grievance must state the specific nature of the grievance and the personal relief or corrective action desired. The Step 2 deciding official will provide the NAFI head with any information necessary to complete a review of the grievance. The NAFI head will provide a final written response to the grievant within 20 calendar days of receipt of the written grievance. If the NAFI head was personally involved in the decision or matter being grieved, the grievance will be referred to the Commanding General for review and decision. The Commanding General will designate an official who was not involved in the matter to review the grievance and issue the final decision.

b. A final written decision must be provided to the grievant within 90 calendar days of the initial presentation of the oral grievance. The final decision will be made by the NAFI head or Commanding General or designated official not personally involved in the events leading to the grievance.

2. Standard of Proof. The standard of proof in deciding grievances shall be substantial evidence. Substantial evidence is defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

ENCLOSURE (1)

(3) The following listing includes, but is not all inclusive of actions which are to be considered nonadverse. Any other actions not specifically identified above as being either adverse disciplinary or adverse nondisciplinary are to be considered as nonadverse actions:

(a) Termination for failure to qualify during probationary period.

(b) Reduction-in-hours or schedule of work not affecting employement category.

(c) Letter of Caution.

(d) Letter of Reprimand (see enclosure (1) for discussion).

(e) Letter of Requirement.

(f) Suspension of 14 calendar days or less (see enclosure (1) for discussion).

(g) Written admonishments.

(h) Oral admonishments (see enclosure (1) for discussion).

(i) Advance notice of proposed disciplinary action.

(4) When processing adverse disciplinary actions or adverse nondisciplinary actions (other than reduction-in-force) for regular full-time and regular part-time nonprobationary employees, provisions will be made, insofar as practicable, for advance notice to employee of at least 30 calendar days outlining in writing, specifically and in detail, the reason and/or charges upon which the action is being taken. As an exception to the requirement for 30 days advance notice of the proposed action, notice to the employee at least 24 hours in advance of the proposed action is authorized when:

(a) There is a significant reduction in the business of a NAFI and a reduction in the basic workweek of regular full-time or regular part-time employees required for more than two consecutive workweeks (14 calendar days) because of a sudden mission change at the base or installation (such as a sudden deployment of personnel to another location); or

(b) due to unforeseeable circumstances, such as a sudden breakdown in equipment, or an emergency situation requiring immediate curtailment of activities, it is necessary to furlough employees for more than two basic workweeks (14 calendar days); or

(c) due to unforeseeable circumstances, such as an act causing a permanent discontinuance of the work to be performed, it is necessary to separate employees; or

(d) it is considered necessary to suspend an employee for more than 14 calendar days during an advance notice period proposing employee's separation and when retention might result in damage to or loss of property or funds; or when retention might be detrimental to the interests of the government; or when retention might be injurious to the employee, other workers or the general public; or when there are justifiable reasons to believe that the employee is guilty of a crime for which a prison sentence may be imposed.

10. <u>Employee Representative in Grievance/Appeal Procedures</u>

a. Employees have the right to be represented by a person of their own choosing in any of the procedures described in this Order; employees subject to the provisions of reference (c) must be represented in accordance with the provisions contained therein.

b. If the selected representative is from outside the employee's local NAFI, any costs for representation will be at the employee's own expense.

c. The choice of a representative may be disallowed if such representation would result in a conflict of interest or position, conflict with the priority needs of the NAFI's, or would give rise to unreasonable costs to the NAFI's.

11. Applicability. The procedures outlined in this Order for affecting the actions described herein are required only in the case of regular full-time and regular part-time employees.

12. Records. The NAF Personnel Office will maintain a record which, at a minimum, will contain copies of:

a. Notice of Proposed Action.

b. The employees written answer, if any.

c. A summary of the employee's oral reply, if one was made.

d. The Notice of Decision and the reasons therefore.

e. Any supporting material.

f. Any order influencing the decision.

13. General Prohibitions and Problems

a. Use of NAFI Property, Facilities and Manpower. An employee is prohibited, directly or indirectly, from using or allowing the use of NAFI property of any kind, including property leased to a NAFI, for other than officially approved activities. An employee has a positive duty to protect and conserve NAFI property, including equipment, supplies, and other property entrusted or issued to the employee.

b. Misuse of Information. An employee is prohibited from directly or indirectly using or allowing the use of official information obtained through or in connection with the employee's NAFI employment which has not been made available to the general public, for the purpose of furthering a private interest.

c. Contributions or Presents to Superiors. An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position; an employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than the employee; and an employee shall not make a donation as a gift to an employee in a higher position. This does not, however, prohibit a voluntary gift of nominal value or a donation in a nominal amount, when made on a special occasion such as marriage, illness, or retirement.

d. Outside Employment

(1) Incompatible Activities. An employee is prohibited from engaging in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of NAFI employment. Outside employment which tends to impair the employee's mental or physical capacity to perform the employee's NAFI duties and responsibilities in an acceptable manner is forbidden. Other incompatible activities include, but are not limited to, acceptance of any favor, pay, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in or create the appearance of conflicts of interest. An employee who intends to run for office in nonpartisan elections or who desires to hold appointive offices with a state or local government, concurrent with their NAFI position, must obtain prior approval of such outside employment from the Senior Command Official. Such approval is contingent upon a determination by the command that the holding of office is not incompatible with, and would not interfere with, the regular and efficient discharge of duties of the employee's NAFI position. Requests for such approval will be addressed: Commanding General, Marine Corps Base, Camp Lejeune, (Attention: Nonappropriated Fund Personnel Officer).

(2) Additional Compensation for Services. An employee is prohibited from receiving any salary or anything of monetary value from a private source as pay for the employee's services in connection with the discharge of the employee's NAFI duties.

(3) Teaching, Lecturing and Writing. Employees are encouraged to engage in teaching, lecturing, and writing that is not incompatible with the conduct of their NAFI employment.

e. Conduct Prejudicial to the NAFI. An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or other conduct prejudicial to the NAFI. Employees shall avoid any action, whether or not specifically prohibited, which might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, impeding NAFI efficiency or economy, losing complete independence or impartiality, making a decision outside official channels, or affecting adversely the confidence of the public in the integrity of the NAFI.

f. Indebtedness. Employees are required to pay each just financial obligation in a proper and timely manner, especially one imposed by law such as State, Federal, or local taxes.

g. Reporting for Duty while Under the Influence of Intoxicants. An employee suspected of reporting for duty or being under the influence of intoxicants will be taken by a supervisor to the Branch Clinic, Building 15, for medical evaluation by a medical officer whenever this is practicable. Items 1 through 12 of Competence for Duty Examination Form, NAVMED 6120/1 (available through Self-Service) will be completed by the NAFI Head or a designated representative and submitted to the examining physician for the requested examination. Upon completion of the examination, NAVMED 6120/1 and the employee will be released to the official who requested the examination. If it is determined that the employee is under the influence of intoxicants, the employee will be placed on sick leave for the remainder of the day and appropriate action will be taken in accordance with this Order.

h. Refusal to Perform Properly Assigned Duties. Employees who refuse to perform properly assigned duties in effect place themselves in a nonduty, nonpay status. Such nonduty, nonpay status will not extend beyond the workday (shift) during which the refusal occurs, and the employee will be instructed to return to duty no later than the beginning of the next scheduled workday (shift). In such a case, action taken to relieve employee from duty is nothing more than administrative recognition of the employee's own actions and does not constitute a suspension from duty. Additionally, an employee who refuses to perform properly assigned duties is subject to appropriate disciplinary action.

14. Miscellaneous Problems. Questions and problems that may arise in applying the provisions of this Order should be referred to the NAF Personnel Office, extension 2366.

15. Action. All organizations serviced by the NAF Personnel Office shall comply with the instructions contained herein. NAFI Heads will ensure that all subordinate managers and supervisors (military and civilian) are thoroughly familiar with the contents of this Order and that the Order is made available to employees upon request.

M. C. HARRINGTON
Chief of Staff

DISTRIBUTION: X plus
CPD (25)
NFPO (50)
MCX (150)
SS (60)
CCMS (30)
MASD (10)
BH (10)
HSVC (10)

UNITED STATES MARINE CORPS
MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA 28542-5001

BO 12750.3A Ch 1
CPD/rtp
7 May 1987

BASE ORDER 12750.3A Ch 1

From: Commanding General
To: Distribution List

Subj: DISCIPLINE, CONDUCT AND ADVERSE ACTIONS FOR NONAPPROPRIATED FUND EMPLOYEES

1. Purpose. To direct pen changes and to change the distribution section of the basic Order.

2. Action

a. On page 2 of the basic Order, paragraph 5, add new section: f. Bachelor Housing Division.

b. On page 4 of the basic Order, paragraph 8a(2) change the word "Manager" to read "Clubs Chief."

c. On page 4 of the basic Order, paragraph 8a, add new section: (6) Bachelor Housing: Assistant Director, Bachelor Housing Division.

d. Change the "DISTRIBUTION:" section of the basic Order to read the same as shown in the "DISTRIBUTION:" section of this change.

3. Summary of Changes. These changes are made to include Bachelor Housing Division in the basic Order and to include organizational changes within the Command Club Management System.

M. C. HARRINGTON
Chief of Staff

DISTRIBUTION: X plus
CPD (25)
NFPO (50)
MCX (150)
SS (60)
CCMS (30)
MASD (10)
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MCX 0131

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ROUTING SYMBOLS
A = TAKE ACTION
C = COMMENT/RECOM
I = INFO
R = RETAIN

UNITED STATES MARINE CORPS
MARINE CORPS BASE
CAMP LEJEUNE, NORTH CAROLINA 28542-5001

BO 12750.3A Ch 2
CPD/rtp
11 Dec 1987

FILE COPY
RETURN TO Cadmer

BASE ORDER 12750.3A Ch 2

From: Commanding General
To: Distribution List

Subj: DISCIPLINE, CONDUCT AND ADVERSE ACTIONS FOR NONAPPROPRIATED FUND EMPLOYEES

1. Purpose. To direct pen changes and to change the distribution section of the basic Order.

2. Action

a. On page 1 of the basic Order, paragraph 1, line 3, change the word "organizations" to read "Nonappropriated Fund Instrumentalities".

b. On page 2 of the basic Order, paragraph 5, add new section: g. Human Services Directorate.

c. On page 4 of the basic Order, paragraph 8a, add new section: (7) Human Services Directorate: Human Services Manager.

d. Change the "DISTRIBUTION:" section of the basic Order to read the same as shown in the "DISTRIBUTION:" section of this change.

e. On page 3 of enclosure (1), paragraph 4, section j, add to the end of the section: "A letter of requirement requiring substantiation of all sick leave requests will not be issued unless the employee has been counseled on at least one occasion regarding use of sick leave."

3. Summary of Changes. These changes are made to include Human Services Directorate in the basic Order and to improve clarification of the basic Order.

M. C. HARRINGTON
Chief of Staff

DISTRIBUTION: X plus
CPD (25)
NFPO (50)
MCX (150)
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ROUTING SYMBOLS
A = TAKE ACTION
O = CO[illegible]
I = [illegible]
R

GUIDANCE IN EFFECTING DISCIPLINARY ACTIONS

1. Purpose. The purpose of this enclosure is to provide advice and guidance to supervisors and managers in effecting disciplinary actions. While none of this advice and guidance is mandatory, it should be understood to constitute minimum acceptable procedure and followed under normal disciplinary situations.

2. DON Philosophy of Discipline. Discipline is a managerial tool intended to correct deficiencies in employee behavior and attitude, correct situations which interfere with efficient operations, maintain high standards of government service and maintain public confidence in the Department of the Navy (DON). It is not the philosophy of DON to utilize disciplinary measures for the sole purpose of punishing employees. An employee whose behavior is not acceptable to management but whose behavior is not corrected is quite likely to persist in that unacceptable behavior in the erroneous belief that it is correct, or at least condoned. Supervisors and managers have an obligation to such employees to correct behavioral deficiencies while they are still minor and before the behavior becomes habit and a bad example to others. It is easier to correct a first instance of deficient behavior than to ignore the situation and later try to correct the third, fourth or fifth instance. It is easier and better management to correct a minor case of deficient behavior than to ignore the situation and allow the problem to become a major one.

3. Guidance in Selecting a Proper Course of Disciplinary Action

a. Choose the Minimum Disciplinary Action Likely to Correct the Improper Behavior. Most people would not use an elephant gun in hunting rabbits and this analogy holds true in choosing disciplinary actions. For example, it would be foolish to attempt to correct an employee's first instance of tardiness by imposing a one-day suspension. Such an action could create a significant amount of resentment in the employee and do more damage than good. Determining the minimum action likely to correct the problem is extremely important and a responsibility which frequently lies with the first line supervisor.

b. Disciplinary Actions Must Be Fair and Just. This is another way of saying that there must be similar actions for similar offenses. This does not mean that all similar actions must bear identical remedies since there are other factors such as mitigating circumstances which should be considered. It is important that managers have good reasons for imposing significantly different remedies for similar offenses. A good place to start in determining a proper remedy is to look at enclosure (2) to the basic Order. While this schedule of corrective actions is not mandatory, most actions within the DON fall within its limits and there should be good reasons for deviation from the guide when it occurs.

c. Disciplinary Actions Should be Timely. Being timely does not mean that disciplinary actions should be taken in haste. Disciplinary actions should not be taken precipitately because important facts might be ignored. However, the corrective influence of a suspension, for example, is greatly diminished if it follows the offense by six months or a year.

d. Mitigating, Unusual, or Aggravating Circumstances Should be Considered in Determining a Proper Disciplinary Action. Such considerations as the employee's position, length of service, or prior disciplinary actions should be taken into consideration. If at all possible, obtain the employee's version of the events before initiating a disciplinary action. It may be that the employee will have an acceptable explanation or be able to present mitigating circumstances.

e. Consider the Employee as a Unique Individual. What is the employee's attitude? Does the employee fully understand the nature of the offense and why the manager is troubled? Is the offense part of a continuing behavioral pattern or does it represent an isolated action? Has the employee been led to believe that the behavior in question is appropriate.

4. Alternate Courses of Action. While it is a generally bad idea to ignore instances of employee misconduct, all misconduct does not warrant formal disciplinary action. There are other forms of correction available.

a. Explanation or Training. If the employee is unaware of the proper performance conduct, it may be that training, or perhaps a sound explanation, will be sufficient to correct the problem. This alternative is particularly likely to be appropriate when the employee is new or working in an unfamiliar environment.

b. Employee Assistance Program. As a general rule, it is in the best interest of both DON and the employee to rehabilitate rather than remove. Misconduct is not always willful. Sometimes it stems from alcoholism, misuse of drugs or other personal problems which may be helped through the Employee Assistance Program (EAP). A manager should seek to learn enough to make a determination whether to refer an employee to an EAP counselor, take disciplinary action, or do both concurrently.

c. Performance Ratings. Most employees are aware of the importance of performance ratings and want to obtain good ones. Sometimes a discussion about performance and/or a low performance rating will have a positive effect in improving employee behavior. If an employee's performance becomes so bad as to be unsatisfactory, that employee may be demoted or removed through means other than adverse action.

d. Withholding Within-Grade Increases. If an employee's behavior is bad enough to adversely affect performance, it may be appropriate to withhold that employee's within-grade increase. The concept behind withholding a step increase is that the employee has not met an acceptable level of competence, does not deserve to get a pay increase, wants a pay increase, and will modify behavior/performance in order to obtain the step increase. Withholding a step increase is not an adverse action.

e. Fitness for Duty Examination. Sometimes misconduct is the result of illness. In such instances, curing the illness, reassignment to a position which the employee can physically handle or retiring the employee on disability is preferable to effecting disciplinary action. One way that management has of determining whether or not illness is the cause of misconduct is to send the employee to a fitness-for-duty examination.

f. Voluntary Action by Employee. An employee who is confronted by management with a potential disciplinary situation sometimes will volunteer to accept a lower grade, a reassignment, or resign in lieu of disciplinary action. This is appropriate provided management has not coerced the employee into taking such an action. Coercion is a tricky concept. It is permissible to tell an employee that a removal action is contemplated and that if the employee resigns before an action is proposed, no record will be made in the Official Personnel Folder. It is not permissible to say that the employee must resign or a removal will be proposed. The latter example is coercion.

g. Oral Admonishments. Oral admonishments or warnings are informal actions and usually constitute the first step in progressive discipline. As a rule, they are taken by the immediate supervisor for minor violations of a rule or regulation, or to call the employee's attention to certain deficiencies in conduct. Incidents for which an employee is orally admonished will not be counted as prior offenses or infractions when determining a remedy under the Schedule. They may be used in subsequent actions, however, to show that certain aspects of conduct have been brought to an employee's attention. The supervisors should retain personal notes of any oral admonishment for a period of one year. An oral admonishment will not be made a matter of record in the Official Personnel Folder. Oral admonishments may not be grieved or appealed.

h. Letters of Admonishment. A letter of admonishment is a nondisciplinary, written correction of an employee's improper conduct. It may be issued to an individual employee or to a group of employees by an immediate supervisor or by a higher level management official. It advises the recipient(s) of the acceptable standards of conduct and provides notification that conduct is failing to meet those standards. Incidents which form the basis for the issuance of letters of admonishment will not be counted as prior offenses when determining the remedy for a subsequent infraction under the Schedule. Such incidents may, however, be included in the specifications of such infractions when it is appropriate to describe a pattern of conduct. Such letters will not be filed in the employee's Official Personnel Folder, but will be retained by the supervisor for a period not to exceed one year. They will be automatically cancelled one year from date of issuance. Letters of admonishment are grievable. They must be reviewed by the Nonappropriated Fund Personnel Officer for conformance with prescribed procedures prior to issuance to an employee.

i. Letter of Caution. A letter of caution is a nondisciplinary, nonadverse action intended to make the employee aware of the employee's failure to perform at a satisfactory level. It is especially appropriate when misconduct is adversely affecting the employee's performance of duties. A letter of caution should be issued only after oral counselling has failed to achieve the expected level of performance. They will be automatically cancelled one year from date of issuance. Letters of caution are neither grievable nor appealable.

j. Letter of Requirement. A letter of requirement is a nondisciplinary, written notice which levies an employment-related requirement upon the recipient. It may be issued to an individual employee or to a group of employees, by an immediate supervisor or by a higher level management official. A letter of requirement may levy a requirement on an employee which is over and above that expected of other employees, e.g., one which requires a doctor's certificate to support future requests for sick leave, or one which subjects an employee to certain controls not imposed on other employees. Incidents which form the basis for the issuance of letters of requirement will not be counted as prior offenses when determining the remedy for a subsequent infraction under the Schedule. Such letters will not be filed in the employee's Official Personnel Folder but may be retained by the supervisor for a period not to exceed one year. They will be automatically cancelled one year from date of issuance. Letters of requirement may be used during their retention period to show that a particular matter has been officially noted and brought to the employee's attention. A letter of requirement requiring substantiation of all sick leave requests will not be issued unless the employee has been cancelled on at least one occasion regarding use of sick leave.

Ch 2

5. Nonadverse Disciplinary Actions

a. Letter of Reprimand. A letter of reprimand is appropriate when a breach of the employee-employer relationship is of such nature as to warrant the temporary inclusion of a record in the employee's Official Personnel Folder. It constitutes a fair warning that the employee has failed or is failing to meet the prescribed standards of behavior of the organization. A reprimand is the first in a possible series of formal disciplinary actions, each more progressive in nature, if the reprimand does not serve its purpose. In certain types of offenses, when a suspension may not be the correct remedy, a series of reprimands, progressively more severe in tone should carry the same weight as suspensions in justifying a subsequent termination action.

b. Suspension of 14 Calendar Days or Less. A suspension is a formal disciplinary action that may be the final warning step in the progressive disciplinary process before termination action. It is a placing of an employee in one or more days of nonduty status without pay. A suspension is appropriate where other nonformal and/or formal actions have failed to correct unacceptable conduct. It is also appropriate for first infractions in connection with serious breaches of conduct. A suspension, however, is normally not an appropriate remedy for indebtedness or unsatisfactory performance situations. Most suspensions fall within a one-to-five day period. Rarely should a suspension in excess of 10 days be appropriate. The financial impact upon the employee should be carefully considered in decisions to suspend, and the number of days set at a point within the recommended range which will serve to be corrective rather than punitive.

6. Adverse Disciplinary Actions

a. Suspension for More than 14 Calendar Days. A suspension of more than 14 calendar days should not, generally, be imposed. Some circumstances which justify such remedies are:

(1) when required by law;

(2) when the particular circumstances of a case justify, e.g., an indefinite suspension pending an investigation or disposition of a criminal action; or

(3) in conjunction with a removal action where circumstances preclude retaining the employee in a duty status.

b. Reduction in Grade or Pay. A demotion is not normally an appropriate action since it is usually related to matters of performance. However, in situations of misconduct which appear to warrant removal, demotion to a position of lesser responsibility and authority may be appropriate and serve as a more moderate remedy. An

ployee's previous employment record and the prospect for satisfactory performance another position should be primary considerations in making this determination.

c. Termination. Termination action should be taken only after less severe measures have failed to correct the offending employee, or when the first offense is of such a serious nature that termination action is clearly warranted. A termination action may be based on action occurring before appointment, e.g., falsification of an application. Depending on the gravity of previous offense(s), removal action may be instituted against an employee for a total of four separate instances of two or more offenses listed in enclosure (2), committed in any 24-month period. Termination action will be initiated only after it has been clearly demonstrated that the employee does not conform to the accepted rules of conduct, and where such action will promote the efficiency of the Nonappropriated Fund Instrumentality (NAFI). When considering termination action against an employee, management officials will neither request that the employee resign or retire to keep from being disciplined nor imply that a resignation or retirement would result in a clear record. A resignation or retirement obtained under such circumstances may later be challenged as being under duress and thus found to be an involuntary action subject to adverse action procedures.

7. Special Disciplinary Situations

a. Indebtedness. The NAFI's expect their employees to pay their just debts. When an employee's failure to honor a valid debt places an administrative burden on the NAFI, disciplinary action may be taken. However, suspension is not normally an action used for indebtedness since a suspension would only further reduce an employee's ability to pay the debt. It is generally better to issue several letters of reprimand of increasing severity and, if the letters are ineffective, then propose a termination action.

b. Leave Abuse. Leave Without Pay (LWOP) is an approved absence. Do not attempt to impose disciplinary action based on instances of LWOP. If an employee is absent hout permission, carry that employee as Absent Without Leave (AWOL). A charge of L will support a disciplinary action. However, an instance of AWOL does not demand sciplinary action. An employee who is AWOL is not paid for the period of unapproved bsence. AWOL is charged for the exact amount of time the employee is absent.

GUIDELINES FOR SELECTING APPROPRIATE PENALTY IN DISCIPLINARY ACTION

The range of penalties in the Guide for Disciplinary Action is provided to give supervisors and managers flexibility in dealing with particular situations, while guiding them toward a measure of uniformity in imposing penalties, consistent with differences in the nature of the position held.

1. Use of the Guide in Presenting Charges

a. When presenting charges to the employee, a blanket statement from the Guide should not be used. Use only the parts that describe the employee's actual conduct and leave out parts that do not apply.

b. If the reason for the contemplated disciplinary action cannot be described in terms of an offense from the Guide, it should be possible to state the reason in terms of regulations or rules of general conduct which have been violated, or damage to or interference with Nonappropriated Fund Instrumentality (NAFI) operations resulting from the employee's action.

c. The factor of willful negligence should be avoided since willfullness is difficult to establish. Generally, the question of willfullness may be discarded if the fact of negligence or dereliction on the part of the employee is established.

2. Combination of Offenses. The Guide provides for disciplinary action in the case of a combination of any of the offenses listed. However, the preferring of more than one charge for a single offense (example "sleeping" and "loafing") is prohibited. In such cases the more appropriate offense should be used and the proper penalty assessed. When the infraction covers a combination of two or more normally unrelated offenses (example "intoxication" and "failure to honor valid debt which places an administrative burden on the NAFI") charges covering each offense should be preferred and a heavier penalty than that prescribed for any one such offense may be assessed.

3. Reckoning Period. The Guide provides for a reckoning period of a specific interval of time after an offense occurs. A repetition of the offense within the period calls for a more severe penalty as determined by the circumstances. Reckoning periods are not cumulative. They commence with the occurrence of the offense and expire absolutely at the end of the period of time specified for the offense. To identify the offense as the first, second, or third within a reckoning period, the record must be reviewed to determine if the employee has committed a like offense during the period, equal in length to the reckoning period, occurring just prior to the current offense.

4. Letters of Reprimand. The Guide provides for a letter of reprimand as a minimum penalty for many of the offenses listed. A copy of each reprimand will be placed in the Official Personnel Folder of the employee concerned. Reprimands may be considered in determining disciplinary action taken at later dates. The letter of reprimand should not be confused with a letter of caution which is not a disciplinary action. The letter of reprimand must be filed in the Official Personnel Folder and retained for a period of two years at the end of which it will be removed from the Official Personnel Folder and destroyed.

5. Suspensions. The Guide provides for suspensions of varying lengths of time for most offenses. Suspension penalties are applicable to calendar days. Periods of suspension will be in a nonpay status. Individual periods of suspensions, occurring within the last two years, which exceed 14 calendar days, will not be counted as creditable service for Reduction-in-Force.

6. Considering the Past Record. The Guide provides that penalties for disciplinary action offenses will, in general, fall within the ranges indicated. However, in unusual cases, depending upon the gravity of the offense and the past record of the employee, a penalty, either more or less severe than the range provided for in the Guide, may be imposed. If an employee's record of past disciplinary offenses is considered in assessing the penalty for a current offense, the employee must be so advised of this fact in the advance notice of proposed disciplinary action. Not

ENCLOSURE (2)

More than two years of any employee's past disciplinary record will be considered in such connection. Depending on the severity of the offenses, termination proceedings may be instituted against an employee for a total of four separate instances of two or more of the offenses listed in the Guide committed in any 24-month period.

RANGE OF DISCIPLINARY ACTION PENALTIES

NATURE OF OFFENSE	1st OFFENSE	2d OFFENSE	3d OFFENSE	RECKONING PERIOD
1. Violation of security regulations, including but not limited to:	written reprimand to termination of employment	1 day suspension to termination of employment	5 days suspension to termination of employment	2 yrs
a. Failure to carry or show proper identification on Government premises as required, or misplacement or loss of identification badge; or		REMARKS: Guides to be used in instances of violation of Security Regulations only in absence of specific Command prerogatives.		
b. failure to safeguard classified material; or		In absence of specific Command prerogatives, consider the nature of the employee's position or assignment; whether disclosure resulted, and the classification of jeopardized matter.		
c. breach of regulations which does not result in release of security information to unauthorized sources, and when there is no evidence of a compromise of classified information; or				
d. when the violation is intentional or results in unauthorized release or compromise of security information.				
2. Violation of Safety Practices and Regulations (including but not limited to endangering the safety of or causing injury to persons through carelessness).	written reprimand to 1 day suspension	2 days suspension to termination of employment	15 days suspension to termination of employment	2 yrs
3. Discrimination.	written reprimand to termination of employment	termination		2 yrs
4. Unexcused failure to ring clock or otherwise record time in or out.	written reprimand	2 days suspension	3 days suspension to termination	2 yrs
5. Ring clock or otherwise record time in or out for another employee, or to permit an unauthorized	written reprimand to 1 day suspension	2 days suspension to 5 days suspension	5 days suspension to termination of employment	2 yrs

ATURE OF OFFENSE	1st OFFENSE	2d OFFENSE	3d OFFENSE	RECKONING PERIOD
employee to ring clock or otherwise record time in or out for oneself; or falsifying attendance record for oneself or for another employee; or for permitting another employee to falsify one's attendance record.				
6. Insubordination, including but not limited to:	written reprimand to termination of employment	3 days suspension to termination of employment	10 days suspension to termination of employment	2 yrs
a. disobedience to constituted authorities, or deliberate refusal to carry out any proper order from immediate supervisor having responsibility for the work of the employee; or				
b. disrespectful conduct toward constituted authorities; or use of insulting, abusive or obscene language to constituted authorities; or physical resistance to constituted authorities.				
c. Deliberate failure or undue delay in carrying out orders, work assignments or instruction of supervisors.				
7. Loafing or wasting time; sleeping during working hours.	written reprimand to 2 days suspension of employment	3 days suspension to termination of employment	10 days suspension to termination of employment	2 yrs
8. Immoral, indecent or notoriously disgraceful conduct, e.g. incest, child abuse, self-mutilation.	5 days suspension to termination of employment	30 days suspension to termination of employment	termination of employment	2 yrs
9. Disorderly conduct; i.e. rude, boisterous play which adversely affects production, discipline or morale, or which endangers the safety of persons or property; or use of insulting, abusive or obscene language to, or about, other personnel, or quarreling or inciting to quarrel; or fighting, threatening, or attempting	written reprimand to termination of employment	15 days suspension to termination of employment	termination of employment	2 yrs

ENCLOSURE (2)

NATURE OF OFFENSE	1st OFFENSE	2d OFFENSE	3d OFFENSE	RECKONING PERIOD
to inflict or inflicting bodily harm to another or use of violent language which adversely affects production, discipline or morale.				
10. Solicitation of gambling on Government owned/leased premises.	written reprimand to 10 days suspension	10 days suspension to termination of employment	termination	2 yrs
11. Gambling or unlawful betting on Government owned/leased premises.	written reprimand to 10 days suspension	10 days suspension to termination of employment	termination of employment	2 yrs
12. Misconduct off duty which reflects unfavorably on the NAFI.	written reprimand to termination of employment	3 days suspension to termination of employment	5 days suspension to termination of employment	2 yrs
13. Illegal or improper introduction, possession or use of drugs not prescribed by a medical doctor, narcotics, or intoxicants, within any place under jurisdiction of the federal government, or reporting to work while under the influence or impaired by any of the above substances. (If an employee reports to work under the influence of or impaired by a medicine prescribed for the employee, he must be sent on sick or annual leave, or if none is accrued, on LWOP. Such action will not be considered as disciplinary.)	written reprimand to termination of employment	10 days suspension to termination of employment REMARKS: Guide to be used only in the absence of specific Command prerogatives.	termination of employment	2 yrs
14. Violating base parking or traffic regulations including but not limited to reckless driving on property or improper operation of motor vehicle.	written reprimand to 2 days suspension	3 days suspension to 10 days suspension REMARKS: Guide to be used only in the absence of specific Command prerogatives.	10 days suspension to termination of employment	1 yr
15. Actual or attempted taking and carrying away government or NAFI property or funds, or the property or funds of others.	written reprimand to termination of employment	termination of employment		2 yrs
16. Knowingly making false, unfounded or malicious statements which are slanderous or libelous,	1 day suspension to 15 days suspension	15 days suspension to termination of employment	termination of employment	2 yrs

NATURE OF OFFENSE	1st OFFENSE	2d OFFENSE	3d OFFENSE	RECKONING PERIOD
about NAFI personnel or other personnel attached to activity at which the NAFI is located.				
17. Unexcused tardiness (after record of excessive tardiness has been established).	written reprimand to 2 days suspension	3 days suspension to 15 days suspension	15 days suspension to termination of employment	6 mos
18. Failure to honor valid debt which places an administrative burden on the NAFI.	written reprimand to 1 day suspension	2 days suspension to 5 days suspension	5 days suspension to termination of employment	1 year
19. Malicious damage to NAFI property or the property of NAFI employees.	written reprimand to termination of employment	5 days suspension to termination of employment	termination of employment	2 yrs
20. Loss of, or damage to, NAFI property, including government funds, or the property or funds of NAFI employees, or endangering any of the above through carelessness.	written reprimand to 10 days suspension	10 days suspension to termination of employment	termination of employment	2 yrs
21. Failure to report to proper authority personal knowledge of serious offenses on the job on the part of another employee. Such offenses include, but are not limited to: a. disorderly conduct which endangers the safety of personnel or NAFI property or the property of others; or b. violation of security regulations; or c. theft; or d. indecent, immoral or notoriously disgraceful conduct; or e. discrimination; or f. falsification of NAFI records.	written reprimand to 2 days suspension	3 days suspension to 15 days suspension	15 days suspension to termination of employment	1 year

NATURE OF OFFENSE	1st OFFENSE	2d OFFENSE	3d OFFENSE	RECKONING PERIOD
22. Falsification, misstatement, exaggeration, or concealment of material fact in connection with employment, promotion, any record, investigation, or other proper proceeding.	written reprimand to termination of employment	15 days suspension to termination of employment	termination of employment	2 yrs
23. Gross negligence.	written reprimand to termination of employment	30 days suspension to termination of employment	termination of employment	2 yrs
24. Violation of confidential wage data obtained during wage survey of private companies.	15 days suspension to termination of employment	termination of employment		2 yrs
25. Abuse of NAFI privileges.	15 days suspension and six months withdrawal of privilege to termination of employment	termination of employment		
26. Abuse of sick leave (including abuse of leave without pay granted for reasons of health).	written reprimand to 5 days suspension	5 days suspension to termination REMARKS: Requesting doctor's certification is a management prerogative and does not constitute a disciplinary action.	termination of employment	2 yrs
27. Unexcused or unauthorized absence.	written reprimand to 5 days suspension	5 days suspension to 10 days suspension	10 days suspension to termination of employment	1 year
28. Leaving job to which assigned at anytime during working hours without proper permission.	written reprimand to 5 days suspension	5 days suspension to 10 days suspension	10 days suspension to termination of employment	1 year
29. Conducting, assisting, or participating in any strike against the Government of the United States or any agency thereof.	termination of employment			
30. Conducting, assisting, or participating in activities concerned with the internal management of labor organizations of membership meetings, solicitation of membership, and distribution of literature during working hours.	written reprimand to 10 days suspension	10 days suspension to 30 days suspension	30 days suspension to termination of employment	2 yrs

FORMAT OF INVESTIGATION

From: (Name, Social Security Number, Title)
To:

Subj: (Same as subject of appointing order)

Ref: (a)
(b)
(c)
(d)

Encl: (1) Appointing ltr and modification thereto (if any were issued)
(2) Summary of (or verbatim) sworn (or unsworn) testimony of _____ _____ (a witness)
(3) Summary of (or verbatim) sworn (or unsworn) testimony of _____ _____ (a witness)
(4) Statement of _____, signed by witness
(5) Description of _____ (evidence)
(6) Photograph of _____ depicting _____

Note: The testimony on statements of each witness should be a separate enclosure to the investigation. Statements or testimony of witnesses will be listed as enclosures first, before enclosures that contain photographs, documents, etc.

PRELIMINARY STATEMENT

1. Paragraph 1 of the investigative report shall contain information in the form of a "preliminary statement." Its length may make it necessary to continue on into one or more additional paragraphs. After setting forth the nature of the investigation, set forth the difficulties encountered in the investigation, if any; limited participation in the investigation by a member; or any other information necessary for a complete understanding of the case. A report of the investigating official's itinerary is not necessary. Notwithstanding that it may be set forth in the preliminary statement, the findings of fact shall include all essential facts developed by the investigation.

FINDINGS OF FACT

1. _____
2. _____
3. _____

Note: The findings of fact constitute the investigating official's description of the details of the events as derived from evaluation of the evidence. The findings must be as specific as possible as to time, places, persons, and events. Each fact may be made a separate finding; or facts may be grouped into a narrative. It is for the investigating official to determine the most effective presentation for a particular case. Each fact set forth must be supported by either the testimony of a witness, statement of the investigating official for documentary or real evidence appended to the investigative report as an enclosure.

OPINIONS

1. _____
2. _____
3. _____

Note: An opinion is a logical conclusion based on the findings of fact and must be supported by the findings of fact. Determination of responsibility and misconduct should be stated as an opinion.

RECOMMENDATIONS

1. _____
2. _____
3. _____

Note: If the investigating official recommends disciplinary action, the specific offense or terms of regulations or rules of general conduct which have been violated, or damage to or interference with operations resulting from the employee's action should be set forth.

(Signature of investigating official)