

## Employee Relations

Office of Human Resources Management - Labor Relations

### TITLE 38 TABLE OF PENALTIES

Nature of Offense	1st Offense	2nd Offense	3rd Offense
	Min. Max.	Min. Max.	Min. Max.
1. Unexcused tardiness.	Admonishment Reprimand	Reprimand 5 days	5 days Discharge
2. Unexcused or unauthorized absence.	Admonishment Reprimand	Reprimand 10 days	10 days Discharge
3. Leaving job, VA premises, or job to which assigned during working hours, without proper permission.	Admonishment Reprimand	Reprimand 5 days	10 days Discharge
4. Loafing, willful idleness, or waste of time.	Admonishment Reprimand	Reprimand 10 days	10 days Discharge
5. Carelessness or negligence resulting in waste or delay.	Admonishment Reprimand	Reprimand 10 days	10 days Discharge
6. Violating traffic regulations, reckless driving on VA premises, or improper operation of motor vehicle.	Admonishment 10 days	Reprimand Discharge	10 days Discharge
7. Failure to observe precaution for personal safety, posted rules, signs	Admonishment 10 days	Reprimand Discharge	10 days Discharge

written or oral safety instructions, or to use protective clothing or equipment.			
8. Smoking in unauthorized places or carrying of flammables, e.g., matches, in explosive areas.	Admonishment Reprimand	Reprimand 10 days	10 days Discharge

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9. Endangering the safety of or causing injury to personnel through carelessness or negligence.	Admonishment Discharge	10 days Discharge	Discharge
10. Failure to report personal injury or accident.	Admonishment Reprimand	Reprimand 10 days	5 Days 15 Days
11. Failure to safeguard confidential matter.	Admonishment Reprimand	Reprimand 10 days	10 days Discharge
12. Deliberate failure or unreasonable delay in carrying out instructions.	Admonishment Reprimand	3 Days 10 Days	10 days Discharge
13. Sleeping on duty:  a. Where safety of patients, beneficiaries, members of the public, employees, or property is not endangered.  b. Where safety of patients, beneficiaries, members of the public, employees, or property is endangered.	Admonishment Reprimand  5 Days- Discharge	Reprimand Discharge  Discharge	10 days Discharge
14. Abuse of patients or beneficiaries.	Reprimand Discharge	10 days Discharge	Discharge

Nature of Offense	1st Offense	2nd Offense	3rd Offense
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<p>15. Fighting, threatening, attempting, or inflicting bodily injury to another; engaging in dangerous horseplay. (Penalty depends on such factors as provocation, extent of any injuries, and whether actions were defensive or offensive in nature.)</p>	<p>Reprimand Discharge</p>	<p>10 days Discharge</p>	<p>Discharge</p>
<p>16. Disrespectful conduct, use of insulting abusive or obscene language to or about other personnel.</p>	<p>Reprimand Discharge</p>	<p>10 days Discharge</p>	<p>Discharge</p>
<p>17. Insubordination i.e., deliberate refusal to carry out any proper order from, or insolent, abusive or obscene language toward, immediate or other supervisor having responsibility for the work of the employee; willful resistance to same.</p>	<p>Reprimand Discharge</p>	<p>10 days Discharge</p>	<p>Discharge</p>

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<p>18. Offenses related to intoxicants. Actions involving these offenses should be reviewed to ensure the requirements of Drug and Alcohol Abuse Program are met.</p>			
<p>a. Alcohol-related:</p> <p>(1). Unauthorized possession of alcoholic beverages while on VA premises or in duty status.</p> <p>(2). Unauthorized use of alcoholic beverages while on VA premises or in duty status.</p> <p>(3) Reporting to or being on duty while under the influence of alcohol.</p> <p>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.</p>	<p>Reprimand 5 Days</p> <p>Reprimand 10 Days</p> <p>Reprimand 10 Days</p> <p>10 days Discharge</p>	<p>10 days Discharge</p> <p>15 days Discharge</p> <p>15 days Discharge</p> <p>Discharge</p>	<p>15 days Discharge</p> <p>Discharge</p> <p>Discharge</p>

Nature of Offense	1st Offense	2nd Offense	3rd Offense
	Min. Max.	Min. Max.	Min. Max.
<p>b. Drug-related:</p> <p>(1) Unauthorized possession of a drug or controlled substance while on VA premises or in a duty status.</p> <p>(2) Unauthorized use of a drug or controlled substance while on VA premises or in a duty status.</p> <p>(3) Reporting to or being on duty while under the influence of a drug or controlled substance.</p> <p>(4) Sale or transfer of a 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, as required.</p>	<p>5 Days</p> <p>10 Days</p> <p>10 days</p> <p>Discharge</p> <p>15 days</p> <p>Discharge</p> <p>Reprimand</p> <p>Discharge</p> <p>Admonishment</p> <p>Discharge</p>	<p>15 days</p> <p>Discharge</p> <p>15 days</p> <p>Discharge</p> <p>Discharge</p> <p>Discharge</p> <p>Discharge</p> <p>15 days</p> <p>Discharge</p>	<p>Discharge</p> <p>Discharge</p> <p>Discharge</p> <p>Discharge</p> <p>Discharge</p>
<p>19. Sexual harassment</p>	<p>Reprimand</p> <p>Discharge</p>	<p>5 days</p> <p>Discharge</p>	<p>10 days</p> <p>Discharge</p>

20. Gambling, unlawful betting on VA premises.	Reprimand- 10 Days	10 days Discharge	Discharge
21. Promotion of gambling on VA premises.	Reprimand Discharge	10 days Discharge	Discharge

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22. Indebtedness, lack of good faith in paying just financial obligations; such as failure without good cause to make or live up to arrangements to pay a debt that the employee admits is owed or that is supported by court judgment, or that represents a tax or other financial obligation to the United States (U.S.) Government or to State and local government.	Admonishment	Admonishment Reprimand	5 Days Discharge
23. Theft of Government property	Reprimand Discharge	10 days Discharge	Discharge
24. Making false or unfounded statements, which are slanderous or defamatory, about other VA personnel or officials.	Reprimand Discharge	10 days Discharge	Discharge
25. Falsifying attendance record for self or another employee.	Reprimand Discharge	10 days Discharge	Discharge



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<p>26. Intentional falsification, misstatement, or concealment of material fact in connection with employment or any investigation, inquiry or other proper proceeding; or willfully forging or falsifying official Government records or documents</p>	<p>Reprimand  Discharge</p>	<p>10 days  Discharge</p>	<p>Discharge</p>
<p>27. Loss of, damage to, or unauthorized use of Government property</p> <p>(a) Through carelessness</p> <p>(b) Through maliciousness or intent</p> <p><b>NOTE:</b> <i>For willful use or authorization of the use of any Government vehicle for other than official purposes, the prescribed penalty is suspension for not less than 30 days or removal (31 U.S.C. 1349(b); see item number 39g).</i></p>	<p>Admonishment - 15 Days</p> <p>Reprimand - Discharge</p>	<p>10 days - Discharge</p> <p>10 days - Discharge</p>	<p>Discharge</p> <p>Discharge</p>

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	Min. Max.	Min. Max.	Min. Max.
<p>28. Owing 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, 35 and 36, where it is determined that detriment will result to the U.S. or to eligible veterans, or persons by reason of such interest.</p>	<p>Discharge</p>		
<p>29. Participation in any type of outside activities, or relationships with contractors, lenders, 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. 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 the employee's duty</p>	<p>Admonishment Discharge</p>	<p>10 days Discharge</p>	<p>Discharge</p>

tend to create in the minds of others a suspicion of prejudice or favoritism that would be of embarrassment to VA.

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<p>30. Except as specifically authorized to do so, disclosing or using directly or indirectly 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 it serves.</p>	<p>Reprimand Discharge</p>	<p>Discharge</p>	
<p>31. Borrowing from, or lending money to, any beneficiary or claimant of VA; or borrowing</p>	<p>Reprimand Discharge</p>	<p>Discharge</p>	
<p>32. Soliciting contributions for, or otherwise promoting, on premises occupied by VA, any national or local welfare or other type of campaign which has not had appropriate VA</p>	<p>Reprimand Discharge</p>		

endorsement.

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<p>33. Selling tickets, stocks, articles, commodities, or services on VA premises. This prohibition is not to be construed as prohibiting employees from engaging in bona fide activities on premises occupied by VA, of a recognized employee union, group, organization, or association, as provided or in other applicable Department policies.</p>	<p>Reprimand Discharge</p>	<p>10 Days Discharge</p>	<p>Discharge</p>

<p>34. 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, except as authorized by conduct regulations.</p>	<p>Reprimand Discharge</p>	<p>Discharge</p>	
<p>35. Violation of Privacy Act.</p>	<p>Reprimand Discharge</p>	<p>10 Days Discharge</p>	<p>Discharge</p>
<p>36. Prohibited personnel practice (Reference: 5 U.S.C. 2302).</p>	<p>Reprimand Discharge</p>	<p>10 Days Discharge</p>	<p>Discharge</p>
<p>37. Participating in a strike, work stoppage, sick-out, slowdown, or other job action.</p>	<p>Discharge</p>		

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<p>38. Offenses</p> <p>Related to Supervisory/ Managerial Observance of Employee Rights:</p> <p>a. Discrimination based on race, color, sex, religion, national origin, age, marital status, political affiliation, or disability.</p> <p>b. 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.</p> <p>c. Reprisal against an employee for providing information to the Office of Inspector General, Office of Special Counsel, an EEO investigator, or for testifying in an official proceeding.</p> <p><b>NOTE:</b> Discharge</p>	<p>Reprimand</p> <p>Discharge</p> <p>Reprimand</p> <p>Discharge</p> <p>10 Days</p> <p>Discharge</p>	<p>5 Days</p> <p>Discharge</p> <p>5 Days</p> <p>Discharge</p> <p>Discharge</p>	<p>10 Days</p> <p>Discharge</p> <p>Discharge</p>



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coordination with  
the Office of  
Special Counsel.

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<p>b. Directing or rendering services not covered by appropriations (5 U.S.C. 3103).</p>	<p>Discharge</p>		
<p>c. Prohibited Political Activity:</p>	<p>Discharge</p>		
<p>(1) Violation of prohibition against Political contributions (5 U.S.C. 7323).</p>	<p>Discharge</p>		
<p>(2) Violation of prohibition against campaigning or influencing elections (5 U.S.C. 7324 and 7325).</p>	<p>30 Days-Discharge</p>		
<p><b>NOTE:</b> <i>Actions based on Hatch Act violations will be initiated by the Office of Special Counsel.</i></p>			
<p>d. Failure to deposit into the Treasury money accruing from lapsed salaries or from unused appropriations for salaries (5 U.S.C. 5501).</p>	<p>Discharge</p>		
<p>e. Soliciting contributions for a gift for a superior; making a donation as gift to a superior; accepting a gift from an employee receiving less pay (5 U.S.C. 7351).</p>	<p>Reprimand-Discharge</p>	<p>10 Days-Discharge</p>	<p>Discharge</p>
<p>f. Action against national security (5 U.S.C. 7532).</p>	<p>30 Days-Discharge</p>	<p>Discharge</p>	

