

DEPARTMENT OF THE ARMY
Omaha District, Corps of Engineers
6014 U.S. Post Office and Courthouse
Omaha, Nebraska 68102

DR 690-1-751

MROPO-E

Regulation
No. 690-1-751

20 March 1980

Civilian Personnel
CONDUCT AND DISCIPLINE

1. Purpose. This regulation implements Department of the Army and Corps of Engineers policy on conduct and discipline and prescribes procedures for administering disciplinary action.
2. Applicability. This regulation is applicable to all employees of the Omaha District and serviced organizations.
3. Neutral Language Requirement. In this regulation, the words "he," "him," and "his," when used, represent both the masculine and feminine genders, unless otherwise specifically stated.
4. Reference.
 - a. AR 600-50 and OCE Supplement 1 thereto
 - b. FPM/CPR 735
 - c. FPM/CPR 751
 - d. FPM/CPR 752
5. General.
 - a. AR 600-50 explains the rules of conduct expected of employees. All levels of supervision are responsible for insuring that all employees are kept informed about the standards of conduct expected of them, both on and off the job. Also, supervisors are responsible for indoctrinating employees in such a manner as to develop both interest and pride in meeting high standards of work performance, and of conduct expected of Federal employees. Each supervisor is to be furnished a copy of this District Regulation.
 - b. This District Regulation 690-1-751 and AR 600-50 will be brought to the attention of all employees at least semi-annually. Supervisors will obtain the date of review and the initials or signature of each employee.

This regulation supersedes DM 690-1-751 dated 9 April 1976.

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c. The Chief, Management-Employee Relations Branch, Omaha District Personnel Office is responsible for:

(1) Providing any clarification of the various standards, laws, rules or regulations that may be required in individual cases.

(2) Providing advice and assistance to supervisors on the corrective action which should be taken in individual cases of non-observance of the standards.

(3) Reviewing all penalty actions proposed including proposed written reprimands, to insure uniformity of treatment and accomplishing the processing steps required by regulations.

6. Conflicts of Interest. The Omaha District Office of Counsel will provide advice and assistance on all matters relating to conflicts of interest except for employees of the Missouri River Division Office. The Division Deputy Standards of Conduct Counselor will be responsible for providing advice and assistance on all matters pertaining to conflicts of interest and for reviewing statements of employment and financial interest for certain employees of the Missouri River Division Office.

7. Outside Employment. AR 600-50 has criteria for determining propriety of outside employment. In addition, employees of the Omaha District and serviced activities may not accept employment with or without compensation from private persons or firms, state or municipal governments or corporations, nor engage in private business or practice where the information available to them as Government employees might give them unfair advantage over competitors; or where the outside services rendered would have any connection with any work project, improvement, or enterprise that touches on the Department of the Army.

8. Political Activities.

a. Under the provisions of the Hatch Act, Federal employees are subject to the political activity restrictions if the activity is partisan in nature. Employees may participate in a non-partisan election either as a candidate or in support of a candidate, and may, if elected, serve in the office if such service will not conflict or interfere with the efficient discharge of duties.

b. Employees who desire to seek non-partisan public offices must first request permission, in writing, through channels as follows:

(1) Missouri River Division Office employees - Division Engineer, Omaha District Office and Fort Crook Area employees - District Engineer. The Personnel Officer, Omaha District, will process requests for the above named personnel and prepare replies for the signature of the Division or District Engineer, as appropriate.

(2) Requests from field office and other serviced activity employees will be submitted to the Area Engineer, Project Engineer, Project Manager, or Commander of the serviced activity concerned.

(3) Approval/disapproval of the request will be in writing. A copy of requests received on field office personnel will be furnished the Omaha District Personnel Officer for information. All requests should state in part that the office sought is not partisan in nature, will not interfere with the efficient discharge of duties, and will not serve to be in conflict of interest, or show apparent conflict of interest. Approving officials should contact the Chief, Management-Employee Relations Branch, Omaha District Personnel Office, (telephone 221-4070) for assistance if needed.

9. Failure to Accept Reassignment. An employee must be given notice of a proposed new assignment sufficiently in advance of the effective date to permit an opportunity to accept or reject the move. If the employee refuses the assignment, the procedures in paragraph 12 below will be followed.

10. Indebtedness.

a. Employees are expected to discharge their private financial obligations and to maintain a reputation in the community for honoring debts. Employees should deal only with reputable firms and assume obligations only to the extent of their ability to pay. The Department of the Army or the Division/District will not arbitrate disputes between employees and their creditors; therefore, should a debt become a matter of issue, the employee is responsible for assuming the initiative in getting it resolved. Appropriate disciplinary actions will be taken against employees who fail to pay just debts without valid reasons.

b. Debt Complaints from Creditors. Debt complaints received from creditors and debt collectors on District Office, Fort Crook Area, and Missouri River Division Office employees will be processed by the Omaha District Personnel Office. Debt complaints received on field office and other serviced personnel will be processed by the Area Engineer, Project Engineer, Project Manager or Commander of the serviced activity

concerned. The employee will be required to submit a written statement concerning the action he will take to resolve the matter. The letter from the creditor will be immediately acknowledged and he will be informed of the referral of his letter to the employee. If the employee admits the obligation, the creditor will be advised of the employee's intentions concerning settling the account. If the obligation is disputed or denied, the creditor will be so informed and advised that no further action will be taken by the office contacted, pending determination of the claim's validity through proper civil proceedings. Copies of all correspondence pertaining to the case will be forwarded to the Omaha District Personnel Office, Management-Employee Relations Branch. Creditors and debt collectors will be denied access to employees for the purpose of presenting or collecting claims during working hours.

c. Debt Complaints from Debt Collectors. Debt complaints from debt collectors in any business whose principal purpose is the collection of debts, or who regularly attempt to collect debts owed or due another, are prohibited (1) without the prior consent of the employee given directly to the debt collector; (2) the express permission of a court of competent jurisdiction; (3) or as is reasonably necessary to effectuate a post-judgment judicial remedy. If the employee denies that consent was given and the debt collector does not furnish upon request his contact authorization, the debt collector will be advised that no further action will be taken pending resolution of the matter through proper civil proceedings. If the employee acknowledges that consent was given or if one of the other basis of authority to make contact is adequately documented, the employee will be required to submit a written statement concerning the action he will take to resolve the matter and the debt collector will be advised of the employee's intentions to settle the account. A copy of all correspondence pertaining to the case will be forwarded to the Omaha District Personnel Office, Management-Employee Relations Branch.

d. Effective administration of the indebtedness standard requires that special attention be given to individual cases as soon as a potential problem arises by:

(1) Supervisors counseling the employee regarding the necessity for action to avoid trouble and advising him of the courses of action which may be open to him.

(2) Encouraging the employee to make maximum use of the financial counseling, and other services, available from the credit union or local banks.

(3) Assisting the employee in making suitable arrangements for a solution of his problem including advice on a personal budget and contacts with creditors in an effort to work out satisfactory payment arrangements.

11. Administering Disciplinary Action.

a. Corrective Action by Supervisor. Immediate supervisors have primary responsibility for determining the adequacy of their employees' performance and conduct and for initiating corrective action when necessary. There are many situations which may call for disciplinary action and a wide variety of disciplinary actions are available, ranging from a warning or reprimand to suspension or removal from the service. There is no substitute for judgment in selecting among them. See Appendix A for guidelines on penalties. Where corrective action can be accomplished through closer supervision, on-the-job training, or oral admonitions or warnings, formal disciplinary action should not be taken. As indicated below, disciplinary actions may be of either an informal or a formal nature, depending upon the circumstances and the severity of the offense.

b. Informal Disciplinary Actions. Oral admonitions and warnings are the first steps in constructive discipline. As a general rule, such actions are taken by the supervisor on his own initiative in situations of a minor nature involving violation of a rule, regulation, standard of conduct, safety practice, or authoritative instruction. The employee should be advised of the specific infraction or breach of conduct, exactly when it occurred (date of the incident), and should be permitted to explain his conduct or act of commission or omission. To be most effective, the discussion should be conducted in private and in an informal manner without embarrassing the employee in front of his co-workers. Notation of the discussion, the reason, and the corrective action or solution agreed upon to preclude the recurrence should be recorded on the Employee Record Card, SF-7b.

c. Reasonableness.

(1) In determining the action to be taken, it should be established whether the employee knew, or could reasonably be expected to know, what standards of conduct were expected of him.

(2) Petitions or testimony to governmental authorities does not serve as a basis for disciplinary action, unless there was a disclosure of information in contravention of AR 340-16, AR 340-17 or AR 380-5; such action involved the misuse of duty time or Department of

the Army materials or equipment; or unless there is a conclusive finding that unfounded defamatory, malicious, or irresponsible statements were made.

d. Like Penalties for Like Offenses. Appendix A sets forth those penalties which the Department of the Army views as reasonable for a particular offense. The range of the discretionary penalties listed will be used as a general guide in administering discipline to assure that comparable disciplinary actions are taken for comparable offenses. While Appendix A is provided as a guide, experience with appeals indicates that the reasons for any substantial deviation from the suggested penalties must be fully explained in the notice of proposed adverse action. The fact that an offense is not listed in the tables does not mean that a penalty cannot be imposed if the offense is committed. In such instances, determination of a reasonable penalty should be made through comparison with those listed.

e. Formal Disciplinary Actions. Formal disciplinary actions consist of written reprimands, suspensions, and removals. Although formal disciplinary actions may be initiated by supervisors, such actions may not be accomplished without action on the part of the Personnel Office. Within the Department of the Army, reduction in rank or compensation will not normally be employed as a disciplinary measure. Such actions are appropriate, however, to reassign or demote an employee from a position for which the employee has been determined unsuited either by reason of performance or behavior.

12. Procedures to be Followed in Connection with Adverse Personnel Actions (Suspensions, Removals). The supervisor proposing the action will contact the Management-Employee Relations Branch, Omaha District Personnel Office, discuss the situation, and determine the course of action to take. If decision is made to take informal disciplinary action, the procedure outlined in paragraph 11b will be followed. If it is decided to take formal disciplinary action, the following procedures will be observed, with the exception of termination actions of employees outlined in paragraphs 13a and 13b:

a. Standard Form 52, Request for Personnel Action, indicating the nature of action proposed, the desired effective date, and including a complete statement of the facts which are considered to justify the action, will be prepared and forwarded through supervisory channels to the Omaha District Personnel Office. The SF-52 will be initiated and signed by the supervisor proposing the adverse action (normally the immediate supervisor of the employee concerned) and approved by the appropriate Area Engineer, Project Engineer, Project Manager, Chief of Staff Element, or Commander of serviced installation.

b. The Management-Employee Relations Branch, Omaha District Personnel Office, will prepare a letter of advance notice addressed to the employee against whom the action is proposed. This notice will be forwarded by transmittal letter to the appropriate organizational element for signature by the supervisor or management official who proposed the action and for delivery to the employee. The transmittal letter will be completed to indicate the date the notice was delivered to the employee and then immediately indorsed back to the Management-Employee Relations Branch.

c. The advance notice of proposed adverse action will give a complete description of the offense and will inform the employee that within a specified time limit he/she has the right to reply personally, in writing, or both. The notice will state the name of the person to whom the employee's reply should be directed. Consideration will be given to extending the time limit for the employee's reply if the employee requests such an extension and furnishes his/her reasons for desiring the extension.

d. After careful consideration of all the facts of the case, including any reply, a decision will be made as to whether adverse action will be taken. This decision will be made by a higher level official than the one who proposed the adverse action. The Management-Employee Relations Branch will prepare the notice of decision. This notice of decision will advise the employee of his/her grievance and/or appeal rights and explain the procedures for exercising these rights. The notice of decision and Standard Form 50, Notification of Personnel Action, must be furnished the employee prior to the effective date.

13. Termination of Temporary (Not to Exceed), Excepted With Time Limitation and Probationary Employees.

a. Termination of Temporary and Excepted Service Employees (Includes Summer Aids). Prior to the effective date of desired termination, Standard Form 52, Request for Personnel Action, indicating the desired effective date will be prepared and forwarded through supervisory channels to the Omaha District Personnel Office. A Standard Form 50, Notification of Personnel Action, will be prepared and returned to the Area Engineer, Project Engineer, Project Manager, Chief of Staff Element or Commander of serviced activity for delivery to the employee. The delivery of the SF-50 alone will constitute the termination action - no supporting letter to the employee is necessary.

b. Termination of Probationary Employees (Except New Supervisors). If it becomes apparent, after full and fair trial, that a probationary employee's conduct, general character traits, or capacity do not fit him or her

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for satisfactory service, the supervisor must initiate action to separate the employee. This action should be taken as soon as these facts become apparent and must be taken prior to the expiration of the probationary period. The final decision as to whether the employee should be retained or terminated should be made at the time of the probationary appraisal. This appraisal is issued no earlier than the beginning of the 9th month and prior to the end of the 10th month of employment. Standard Form 52, Request for Personnel Action, indicating the desired effective date and including a complete statement of the facts which are considered to justify the action, will be prepared and forwarded through supervisory channels to the Omaha District Personnel Office, Management- Employee Relations Branch. The Management- Employee Relations Branch will prepare a letter to the employee concerned. This letter and SF-50, effecting the action, will be forwarded to the Area Engineer, Project Engineer, Project Manager, Chief of Staff Element, Division Engineer or Commander of serviced activity for delivery to the employee. This letter will advise the employee of his/her right to file a formal EEO complaint, should he/she feel the action was taken as a result of discrimination, etc.

14. Procedures to be Followed in Connection with Letters of Reprimand.

a. A formal written reprimand is appropriate for use when more stringent disciplinary action than an oral reproof is warranted and the circumstances justify the inclusion of a record in the employee's Official Personnel Folder. (Minimum period of 1 year to a maximum period of 3 years).

b. When a supervisor determines that it is necessary to administer a formal written reprimand to one of his/her subordinates, he/she will submit a written memorandum to his/her superior reciting the incident, stating the reasons why the proposed action is considered necessary, and giving all the supporting facts. The facts on both sides must be investigated by the second line supervisor and, if the proposed action is considered justified, the recommendation will be forwarded to the Management- Employee Relations Branch of the Omaha District Personnel Office for review and determination that it is consistent with established local policy governing disciplinary practices.

c. The employee will be given an advance notice of at least three calendar days. The official notification to the employee will be prepared for the signature of the appropriate supervisor (normally the firstline supervisor of the employee), and will contain the following:

(1) A description of the offense, in sufficient detail, to enable the employee to understand fully the violation, infraction, conduct, or offense for which he/she is being censured. Such specifics as time, place, dates, and events must be included in support of the incident giving rise to the disciplinary action.

(2) A statement to the effect that the letter is a formal reprimand and that it will be made a matter of record and incorporated in the employee's Official Personnel Folder. The statement will specify the maximum period the disciplinary action will remain a matter of record.

(3) In the event the reprimand is a follow-up of previous offenses and the action is considered as a continuation of constructive discipline, the former incidents will be restated. Additionally, if the employee failed to take any remedial action previously agreed to, that fact will be included.

(4) In individual cases where it is determined to be advantageous for preventive purposes, a warning that any future occurrence of a like nature may result in considering a more severe disciplinary measure will be included.

(5) Advice regarding any assistance available to the employee for remedial purposes or as a means to help overcome the deficiency and avoid future recurrence. Additionally, the employee will be informed regarding any specific action required.

(6) Information regarding the right to reply personally and in writing, and to submit any and all reasons why the employee believes the reprimand should not be effected and made a record in his Official Personnel Folder. The name of the individual to whom the reply must be directed and the time limit for making the reply will be stated. Information will also be included that the reply will be fully considered, and where it is determined that the disciplinary action should stand, the reply will be filed in the Official Personnel Folder with the reprimand.

d. The notification will inform the employee that he has two calendar days from the date of receipt for preparation and return of a written reply, and/or for requesting and making a personal reply. A written record will be made of a personal reply, and if possible, the signature of the employee obtained as an indication that he agrees with the accuracy of the record. If the employee states valid reasons for requesting an extension of the time allowed for reply, the extension will be granted.

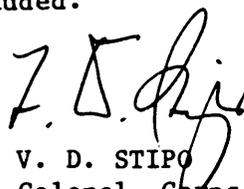
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e. If the employee replies to the notification, the answer will be given full and impartial consideration by the official recommending the action. If the employee fails to reply, decision will be rendered based upon review of the facts in support of the reprimand. The decision letter will be signed and dated by the supervisor in the chain of command at least one level higher than the supervisor who signed the official notification to the employee.

(1) If decision is reached to cancel the reprimand, the employee will be notified promptly in writing.

(2) If the decision reached is that the reprimand is warranted, the employee will be so notified promptly in writing, stating the reasons in support of the decision and the reprimand and reply, if any, will be entered in the Official Personnel Folder. Information that the employee may initiate a grievance in accordance with DR 690-1-771 will also be included.

1 Appendix
App A - Suggested Guidelines
to Penalties for
Various Offenses


V. D. STIPO
Colonel, Corps of Engineers
District Engineer

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SUGGESTED GUIDELINES TO PENALTIES FOR VARIOUS OFFENSES

1. Extenuating Circumstances.

a. Any adverse action demands the exercise of responsible judgment so that an employee will not be penalized out of proportion to the character of the offense. This may be particularly true of an employee who has a previous record of completely satisfactory service. An adverse action, such as suspension, should be ordered only after a responsible determination that a less severe penalty, such as reprimand, is inadequate. In taking disciplinary actions, like penalties should be imposed for like offenses. Supervisors should be consistent when deciding on disciplinary actions. Adherence to this principle will insure equitable and uniform treatment to employees against whom adverse action is proposed.

b. Supervisors should give consideration to all factors involved when deciding what penalty is appropriate, including not only the seriousness of the offense, but such other matters as the existence of mitigating circumstances, the frequency of the offense, and whether the action accords with justice in the particular situation. The grade and nature of the position the employee occupies will have a bearing in some situations; for example, misconduct which may warrant a reprimand to an employee in a lower grade may be intolerable if it involves an employee in a supervisory or fiduciary position.

2. Suggested Guidelines are as follows:

Offense	Penalties		
	First offense	Second offense	Third offense
1. Insubordination (refusal to obey orders, impertinence, like offense).	Official written reprimand to 1-day suspension.	1- to 5-day suspension.	5- to 10-day suspension to removal.
2. Fighting or creating a disturbance among fellow employees, resulting in an adverse effect on morale, production, or maintenance of proper discipline.	1- to 3-day suspension.	2- to 5-day suspension.	5- to 10-day suspension to removal.
3. a. Sleeping on duty (where safety of personnel or property is not endangered thereby).	Official written reprimand to 3-day suspension.	2- to 5-day suspension.	5- to 10-day suspension to removal.
b. Sleeping on duty (where safety of personnel or property is endangered thereby).	1- to 10-day suspension to removal.	Removal.	
4. a. Drinking intoxicants while on duty*..	Official written reprimand to 1-day suspension.	1- to 3-day suspension.	3- to 10-day suspension to removal.

See footnotes at end of table.

Offense	Penalties		
	First offense	Second offense	Third offense
b. Drinking intoxicants on duty where safety of personnel or property is endangered thereby.*	1- to 3-day suspension.	2- to 5-day suspension to removal.	5- to 10-day suspension to removal.
c. Intoxicated to a degree during duty hours which would interfere with proper performance of duty, be a menace to safety, or be prejudicial to the maintenance of discipline.*	1- to 3-day suspension.	2- to 5-day suspension.	5- to 10-day suspension to removal.
5. Absence without leave (any absence from duty which has not been authorized and for which pay must be denied).	Official written reprimand, to 3-day suspension.	2- to 5-day suspension.	5- to 10-day suspension to removal.
6. Failure to honor valid debts or legal obligations.	See CPR 700, Chapter 735.E.		
7. False statements, misrepresentation, or fraud of a substantive nature and are determinants in the matter of qualifications, credibility, or entitlements in official records.	1- to 10-day suspension to removal.		
8. Loafing (willful idleness or deliberate failure to work on assigned duties).	Official written reprimand.	1- to 5-day suspension.	3- to 10-day suspension to removal.
9. Theft, bribery, or unauthorized use or possession of Government property.	Official written reprimand to 10-day suspension, if offense is minor. Removal for major offenses.	Removal.	
10. Gambling. (See AR 600-50)-----	Official written reprimand to 3-day suspension.	2- to 5-day suspension.	5- to 10-day suspension to removal.
11. Immoral, indecent, or disgraceful conduct.	1- to 10-day suspension, if offense is minor. Removal for major offenses.	Removal.	
12. Refusal to testify in a properly authorized inquiry or investigation conducted by representatives of the Department of the Army except where such refusal is based upon the grounds of self incrimination. (Witnesses shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony.)	1- to 5-day suspension.	3- to 10-day suspension to removal.	Removal.

See footnotes at end of table.

Offense	Penalties		
	First offense	Second offense	Third offense
13. Failure to observe any written regulation or order prescribed by competent authority.			
a. Violation of administrative regulations where safety of persons or property is not endangered thereby.	Official written reprimand.	1- to 5-day suspension.	3- to 10-day suspension to removal.
b. Violation of administrative regulations where safety of persons or property is endangered thereby.	1- to 5-day suspension.	3- to 10-day suspension to removal.	Removal.
c. Violation of official security regulations. (See also AR 690-1.)	Official written reprimand to 5-day suspension.	3- to 10-day suspension to removal.	Removal.
14. Knowingly making false or malicious statements with the intent to harm or destroy the reputation, authority, or official standing of individuals or organizations.	1- to 10-day suspension, if offense is minor. Removal for major offenses.	Removal.	
15. Discrimination because of race, color, religion, sex, national origin.			
a. Use of critical, demeaning, slanderous, inflammatory, defamatory, ignominious or degrading remarks, comments, observations, or statements.	Official written reprimand to 2-day suspension.	1- to 5-day suspension.	3- to 10-day suspension to removal.
b. Discrimination in any aspect of employment (e.g., employment, appraisal, development, advancement or treatment of employees).			
(1) Careless or negligent discrimination.	Official written reprimand to 3-day suspension.	2- to 5-day suspension.	5- to 10-day suspension to removal.
(2) Deliberate or willful discrimination.	1- to 5-day suspension.	5- to 10-day suspension to removal.	Removal.

See footnotes at end of table.

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Offense	Penalties		
	First offense	Second offense	Third offense
16. Discrimination because of age, political affiliation, marital status, physical handicap, or other nonmerit factors (excluding coverage in 15 above).			
a. Careless or negligent discrimination.	Official written reprimand to 3-day suspension,	2- to 5-day suspension.	5-day suspension to removal.
b. Deliberate or willful discrimination.	1- to 5-day suspension.	5- to 10-day suspension to removal.	Removal.

* Before considering any disciplinary action against employees for reasons of alcoholism, refer to DR 600-1-2.