



# Instruction

Defense Intelligence Agency

DEFENSE INTELLIGENCE AGENCY  
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OPR:

## Employee/Management Relations and Conduct

(b)(3):10  
USC 424

### REFERENCES:

- (a) DIAM 22-23, Civilian Personnel Administration, Subchapter 1, Employee/Management Relations and Conduct, 10 January 2003. (canceled)
- (b) Title 5 United States Code, Chapter 75, Adverse Actions.
- (c) Title 10 United States Code, Chapter 83, Civilian Defense Intelligence Employees.

### 1. PURPOSE

- 1.1. Replaces reference (a).
- 1.2. Implements references (b) and (c).
- 1.3. This instruction is applicable to all Defense Intelligence Agency (DIA) civilian employees except for foreign national employees, experts, consultants, nonappropriated fund. Defense Intelligence Senior Executive Service (DISES) and Defense Intelligence Senior Level (DISL) members are not covered by the provisions of this instruction.

### 2. DEFINITIONS

- 2.1. Adverse action—suspension for more than 14 calendar days, reduction in grade or pay, furlough for 30 days or less, and removal.
- 2.2. Covered employees—employees who have completed their trial period.
- 2.3. Days—all days referred to in this instruction are calendar days.
- 2.4. Disciplinary action—reprimand or suspension for 14 calendar days or less.
- 2.5. Performance based action—action taken when an employee demonstrates a lack of the knowledge, skill, or ability to perform at a satisfactory level.

2.6. Preference eligible—an employee who is eligible by law for special consideration in variety of personnel actions as a result of qualifying military service. Veteran's preference eligibility is indicated on the employee's Notification of Personnel Action (SF 50).

2.7. Remedial actions—counseling, letter of instruction, letter of warning, and oral or written admonishments.

### 3. RESPONSIBILITIES

3.1. Chief of Staff (CS) is the deciding official on agency initiated disciplinary or adverse action procedures.

3.2. Deputy Director for or chief of special office makes final decisions on disciplinary or adverse actions except when the deputy director for or chief of special office are proposing officials, the Director (DR) will make the final decision.

(b)(3):10 USC 424

3.3. [REDACTED] will establish policy for the administration and management of employee/management relations and conduct.

(b)(3):10 USC 424

3.4. [REDACTED]  
[REDACTED] for employees assigned to the Directorate for Human Intelligence (DH).

(b)(3):10 USC 424

3.4.1. Administers and advises on matters associated with employee/management relations and conduct.

3.4.2. Provides general advice and assistance to supervisors, management officials and employees on employee/management relations and ensures that remedial, disciplinary and adverse actions are consistent with law, regulations, policy, and DIA-wide practices.

3.4.3. Processes and effects DIA-level disciplinary actions (e.g., removal for security or off-duty conduct reasons) which are not the result of a decision normally included in the daily personnel management responsibilities of supervisors and managers. [REDACTED] may process actions for employees assigned to DH when delegated by [REDACTED]

(b)(3):10 USC 424

(b)(3):10 USC 424

3.4.4. Takes action to separate employees determined to be unsuitable for continued employment prior to the completion of the trial period

3.5. [REDACTED] determines requirements for an employee to serve a trial period

(b)(3):10 USC 424

3.6. General Counsel (GC) reviews disciplinary and adverse actions for legal sufficiency.

3.7. Management officials

3.7.1. Determine penalties consistent with DIA-wide policies and practices.

(b)(3):10 USC 424 3.7.2. With the assistance of [REDACTED] for DH employees, take remedial, disciplinary action and propose adverse actions.

(b)(3):10 USC 424 3.7.3. With the assistance of [REDACTED] for DH employees, personally carry out the legal and regulatory requirements relating to an action, consider replies, and participate in appeal proceedings.

3.8. Supervisors

3.8.1. Maintain a work place atmosphere conducive to good employee management relations and efficient work production.

3.8.2. Receive and evaluate employee reports of off-duty employment. If the employment gives the appearance of a conflict of interest, the supervisor will forward the report to the Personnel Security Division for review and recommendations.

3.8.3. Inform employees of rules, regulations, and standards of conduct.

3.8.4. Take all possible remedial steps to prevent situations that might lead to disciplinary or adverse action.

3.8.5. Gather and analyze all of the facts and carefully consider circumstances before initiating remedial, disciplinary or adverse action, in accordance with Factors in Determining Appropriate Penalties.

3.8.6. Recommend specific and appropriate disciplinary and adverse actions after consultation with higher levels of management and [REDACTED] for employees assigned to DH, in accordance with *The Guide to Disciplinary Actions*.

(b)(3):10 USC 424

3.8.7. Initiate and maintain a DIA Form 309, Supervisor's Record of Employee, on assigned employees

3.9. Employees

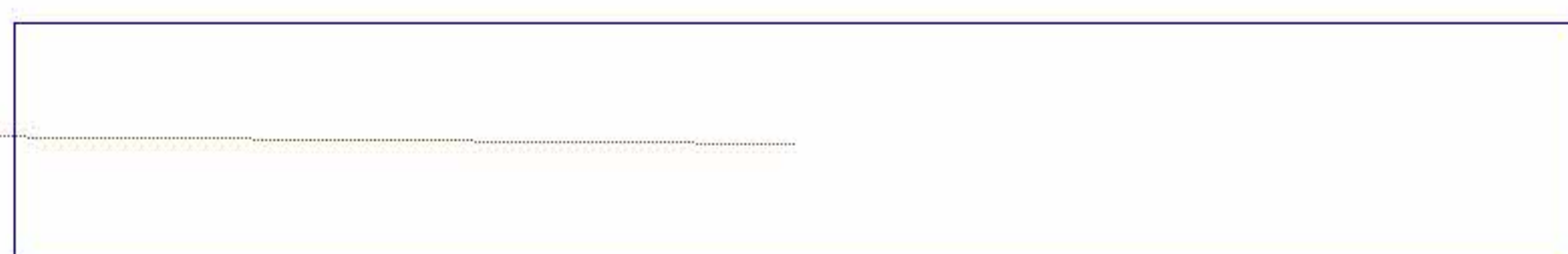
3.9.1. Discharge their assigned duties conscientiously.

- 3.9.2. Conduct themselves in a manner both on and off the job, that reflects credit upon the DIA.
- 3.9.3. Respect the administrative authority of those directing their work.
- 3.9.4. Observe the spirit, as well as the letter, of the rules of conduct, laws, and regulations governing their work and behavior.
- 3.9.5. Pay financial obligations in a proper and timely manner especially those imposed by law, such as federal, state or local taxes, or judgment/court order.
- 3.9.6 Attend required ethics training conducted by GC and familiarize themselves with the Standards of Conduct.
- 3.9.7. Safeguard information as required by security regulations.
- 3.9.8. Report all outside employment to the immediate supervisor for review for possible conflict of interest and notify the supervisor when outside employment is terminated.
- 3.9.9. Refrain from canvassing or soliciting on DIA property, unless expressly sponsored by DIA.
- 3.9.10. Refrain from collecting membership dues at any time when such activities would interfere with DIA operations.
- 3.9.11. Request leave for all absences as specified by DIA procedures.
- 3.9.12. Refrain from engaging in riot and civil disorders on federal property. Any employee convicted of inciting, promoting or participating in a riot or group activity (on or off duty), resulting in damage to property or injury to persons will be removed from the Federal government

#### 4. PROCEDURES

Information on the specific procedures used to handle employee/management relations issues are enclosed.

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E1. PROCEDURES

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## C1. CHAPTER 1

## TRIAL PERIOD

## C1.1. FAILURE TO PERFORM SATISFACTORY DURING TRIAL PERIOD

- If an employee has not been performing fully satisfactory in his or her present position, but has demonstrated sufficient qualifications to indicate satisfactory performance could be obtained in another position, the employee may be reassigned or reduced in grade. Reassignment does not extend the trial period and must be carefully considered, as the next supervisor will have limited time to properly evaluate the employee.
- If, after coordination with the second-level supervisor, the first-level supervisor determines that reassignment is appropriate, information should be provided on those duties that the individual could perform. The notification should be forwarded to [redacted] for employees assigned to DH, as soon as possible in advance of the established due date. Advanced notification by telephone, or by an equally expeditious manner, should occur as soon as this determination is contemplated.

- After review of the individual's record and consultation with the supervisor, [redacted] for employees assigned to DH, in coordination with [redacted] may attempt to reassign the employee to an available position. If reassignment is not possible, the employee may be separated prior to completion of the trial period.

- If the first-level supervisor determines that the employee's performance, conduct, and general character traits have been found to be unsatisfactory, during the trial period to such a degree that the employee's separation is necessary, the supervisor must sign the Notice of Completion of Trial Period and prepare a detailed written memorandum to [redacted] for employees assigned to DH.

- The memorandum must specify the deficiencies in performance, conduct, or character traits that disqualify the employee for continued employment with DIA.
- The supervisor will forward the memorandum and notification through the deputy director for or chief of special office for endorsement to [redacted] for employees assigned to DH. Advanced notification of the action, by telephone, or by an equally expeditious manner, should occur as soon as this action is contemplated.

- Upon receipt of a notice of an employee's unsatisfactory trial period, [redacted] for DH employees, will review and evaluate the case prior to taking any action to terminate the employee.

- If possible, the employee will be notified in writing of the termination action and reasons at least 2 weeks in advance.
- An SF 50, Notification of Personnel Action, will accompany the notice of termination to give the effective date of the termination action. The employee is not entitled to a right of reply.
- [redacted] for DH employees, must use adverse action procedures to terminate a veteran preference eligible employee who has completed one continuous year of the trial period.

- When an employee is found unsuitable based on information from outside the employee's normal work environment from such sources as the Security and Counterintelligence Activity [redacted] or the Inspector General (IG), the information will be furnished to the chief, [redacted] for DH employees, for action. In such instances, [redacted] for DH employees, will prepare and coordinate the termination notice with appropriate DIA officials before effecting the action.
- The employee's separation from the rolls must be effected before the employee has completed the trial period.

## C1.2. RIGHT OF APPEAL

Employees, except for veteran's preference eligibles, terminated during the trial period have no right of appeal. Veteran's preference eligible employees may appeal separation during the trial period after they have successfully completed one continuous year of the trial period. Preference eligibles do not have appeal rights during the first year of a trial period.

## C2. CHAPTER 2

## REMEDIAL ACTIONS

## C2.1. EMPLOYEE COUNSELING

- A supervisor has the responsibility to advise an employee as soon as performance or conduct slips below a satisfactory level. During the counseling session, the supervisor must
  - advise the employee that it is a counseling session.
  - give specific examples of the deficiencies in performance or conduct.
  - explain to the employee what the employee must do to bring the performance or conduct back up to a satisfactory level
  - document the counseling session in eZHR through the Record of Counseling section of the Self-Supervisor's Workbench and Self-Service Performance Appraisal Menu or on the DIA Form 212, Record of Counseling, if eZHR is not accessible.

## C2.2. LETTER OF INSTRUCTION

- Is written communication between the immediate supervisor and the employee that advises the employee that his/her performance and/or conduct is being closely monitored and documented. A letter of instruction must be coordinated with  for DH employees. The letter should
  - advise the employee that his/her performance or conduct is being closely monitored.
  - give specific examples of the deficiencies in performance or conduct.
  - give specific instruction as to what the employee must do to bring performance or conduct back up to a satisfactory level and state the assistance that will be provided by the supervisor.
  - advise the employee that failure to bring performance or conduct up to satisfactory level could result in more serious action.
- Must be signed by the employee to acknowledge that they have received it. If the employee elects not to sign, the supervisor will annotate the letter with the following statement "Employee elected not to sign." A copy of the signed or annotated letter will be filed with the DIA Form 309, Supervisor's Record of Employee.

## C2.3. LETTER OF WARNING

- Letter of warning is used only for conduct related issues.
- A letter of warning is used to put the employee on notice that disciplinary action will be taken unless immediate improvement is made and conduct is

brought up to a satisfactory level. A letter of warning must be coordinated with [REDACTED] for DH employees. The letter must:

- specifically state that it is a letter of warning.
- indicate that disciplinary action is being contemplated.
- give specific examples of the deficiencies in conduct.
- give specific instruction as to what the employee must do to bring conduct to a satisfactory level.
- advise the employee that failure to bring conduct to satisfactory levels will result in disciplinary action.

- The employee must sign a copy of the letter of warning acknowledging receipt. If the employee elects not to sign, the supervisor will annotate the letter with the following statement "Employee elected not to sign for receipt of the Letter of Warning." A copy of the letter will be filed with the DIA Form 309.

#### C2.4. ORAL OR WRITTEN ADMONISHMENT

- Is communication between a supervisor and employee that describes a specific instance involving an employee's conduct, performance or failure to observe a rule or regulation.
- An oral admonishment will be annotated on the DIA Form 309.
- A written admonishment must be coordinated with [REDACTED] for DH employees, before it is issued. It is used to notify an employee of:
  - what is expected in specific terms.
  - the specific deficiencies noted.
  - what the employee must do to correct the deficiency.
- The employee must sign a copy of the written admonishment acknowledging receipt. If the employee elects not to sign, the supervisor will annotate the letter with the following statement "Employee elected not to sign." After the admonishment has been given, an employee has the opportunity to express his/her views and explain the circumstances orally and/or in writing within 15 calendar days to the supervisor.
  - The supervisor will consider the employee's explanation and decide whether the admonishment will stand or be withdrawn.
  - If not withdrawn, the admonishment will be attached to the DIA Form 309 but will not be made a part of the employee's Official Personnel Folder (OPF).
  - A record of the admonishment will be retained for three years from the date it is given.

## C3. CHAPTER 3

## DISCIPLINARY ACTIONS

## C3.1. OFFICIAL LETTER OF REPRIMAND

- A formal letter to an employee, which describes significant misconduct, inadequate performance, or repeated infractions.
- If, after thorough investigation by the first level supervisor or a management official in the chain of command, a determination is made that a letter of reprimand is appropriate, the supervisor will prepare the official letter or reprimand. The reprimand must contain
  - a statement that it is an official letter of reprimand.
  - a description of the misconduct or inadequate performance including time, place, and circumstances to include specific details.
  - a review of previously noted misconduct or deficiencies and corrective actions, if any.
  - a statement that the employee may reply orally and/or in writing to the management official who signed the reprimand within 15 calendar days, if the employee feels the reprimand is unwarranted.
  - a statement that the reprimand will become a matter of record for a maximum period of three years and will be included together with the employee's reply in his/her OPF.
- An official letter of reprimand must be coordinated with [REDACTED] for DH employees, before it is issued to the employee. (b)(3):10 USC 424
- The management official who signed the letter of reprimand will consider the employee's reply and determine whether the official letter of reprimand will stand or be withdrawn.
  - If the official letter of reprimand is withdrawn, the management official will notify the employee and [REDACTED] for DH employees. (b)(3):10 USC 424
  - If the official letter of reprimand is sustained, the employee's reply will be forwarded to [REDACTED] for DH employees, for inclusion in the employee's OPF. (b)(3):10 USC 424
  - The immediate supervisor will note the final action taken on the DIA Form 309.
  - A receipt copy of the official letter of reprimand will be forwarded to [REDACTED] for DH employees, by the supervisor, after the time limit for the employee's response has expired. (b)(3):10 USC 424

## C3.2. SUSPENSION FOR 14 DAYS OR LESS

- To promote the efficiency of the service, a supervisor may propose the suspension of an employee for 14 days or less.
- The employee is entitled to advance written notice stating the proposed action and specific reasons for action. Employees must receive at least 24-hour advance notice of the action. The written notice must include
  - the specific charges.
  - the proposed penalty.
  - notice that the employee has the right to review the supporting documentation.
  - that the reply must be submitted by the employee NLT 15 calendar days from receipt of the proposed action.
  - the name of the deciding official who will receive and consider the employee's reply (if any) and make the final decision on the action proposed.
  - the amount of official time authorized for preparation of employee's reply. Up to 4 hours of official duty time may be granted.
  - an advisory regarding the right to be represented by an attorney or other representative (not at government expense). The representative must be designated by the employee in writing.
  - an advisory regarding a reasonable time to reply orally and/or in writing, and to furnish affidavits or other documentation in support of the reply.
    - All employee requests for an extension of the time period to reply must be in writing, state the reason(s) for the delay, and provide the amount of additional response time requested.
- The proposed notice will be coordinated with [ ] for DH (b)(3):10 USC 424
- The deciding official will be a management official at the next level in the chain of command and will
  - consider all facts of the case.
  - receive and consider the reply of the employee. An oral reply received from the employee will be documented.
  - review the Factors for Determining Appropriate Penalties and indicate which factors were considered.
  - determine whether the proposed suspension should stand, be modified, or withdrawn.
  - make a decision as soon as possible.
- The notice of final decision will be coordinated with [ ] for (b)(3):10 USC 424
- The employee will be furnished with a written final decision as soon as possible.

- If the final decision is to suspend the employee, the decision notice must be delivered prior to the effective date of the suspension. Employees must receive at least 24-hour advance notice of the action. In no case will the suspension be effective prior to the ending date of the proposal notice.

(b)(3):10 USC  
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• [REDACTED] for DH employees, will maintain a case file, which will be furnished to the employee upon request. This file will include

- a notice of proposed action and supporting materials.
- the reply of the employee.
- the notice of final decision including reasons for the decision.
- a copy of the SF 50.

### C3.3. GRIEVANCE RIGHTS

Eligible and veteran's preference eligible employees may grieve a disciplinary action through the DIA Alternative Dispute Resolution and Employee Grievance System. Disciplinary actions may not be appealed to the Merit Systems Protection Board (MSPB).

## C4. CHAPTER 4

## ADVERSE ACTIONS

## C4.1. SUSPENSION FOR MORE THAN 14 DAYS, REDUCTION IN GRADE OR PAY, FURLOUGH FOR 30 DAYS OR LESS, OR REMOVAL

- Adverse actions include removal, suspension for more than 14 days, reduction in grade or pay, furlough for 30 days or less.
- DIA may take adverse action only for such cause as will promote the efficiency of the service. Adverse actions may be taken for employee non-conduct related reasons such as removal for medical conditions pursuant to 5 CFR 353.
- A management official in the employee's chain of command may propose an adverse action.
- The employee is entitled to at least 30 days advance written notice of the proposed action stating the specific reasons for the action.
  - Crime provision exception. If there is reason to believe the employee has committed a crime for which a sentence of imprisonment may be imposed, the employee is entitled to a minimum combined 7-day notice and reply period.
- The proposal notice must include
  - the specific charges.
  - the specific penalty recommended.
  - notice that the employee has the right to review the supporting materials of the case.
  - the date the reply must be submitted by the employee.
  - the name of the deciding official who will receive and consider the employee's reply and make the final decision on the proposed action.
  - amount of official time authorized for preparation of employee reply. Up to 4 hours of official duty time will be granted.
  - an advisory regarding the right to be represented by an attorney or other representative (not at government expense). The representative must be designated by the employee in writing.
  - a reasonable time, but no less than 15 days, to reply orally and/or in writing and to furnish affidavits and other documentation in support of the reply.
    - All employee requests for an extension of the time period to reply must be in writing, stating the reason(s) for the delay, and must provide the amount of additional response time requested.

- The proposal notice will be coordinated with [REDACTED] for DH (b)(3):10 USC 424
- Deputy directors for or chiefs of special offices will serve as deciding officials and will
  - consider all facts of the case.
  - receive and consider the reply of the employee. The principal points of an oral reply will be recorded.
  - indicate which of the Factors for Determining Appropriate Penalties were considered.
  - determine whether the proposed action should stand, be modified, or withdrawn.
  - make a decision as soon as possible.
- DR (or designee) will make the final decision on disciplinary and adverse actions where the deputy director for, chief of special office, or a member of the Command Element is the proposing official.
- Decision notice will be coordinated with [REDACTED] for DH (b)(3):10 USC 424
- The employee will be given a written decision before the proposed effective date. The notice of final decision will be delivered to the employee before the time the action will be effective. In no case will an adverse action be effective prior to the close of any notice period.

#### C4.2. INDEFINITE SUSPENSIONS

- When actions are initiated on behalf of the agency, e.g., indefinite suspensions due to revocation procedures associated with an employee's security clearance or arrests of employees, [REDACTED] will serve as the proposing official and the CS will serve as the deciding official. (b)(3):10 USC 424
- (b)(3):10 USC 424 • [REDACTED] will determine when indefinite suspensions are appropriate.
- (b)(3):10 USC 424 • In these cases, [REDACTED] will inform deputy directors for and chiefs of special offices and the employee's supervisor of the nature of the action to be taken prior to issuance to the employee.
- Because suspensions of security clearances are based on protection of national security interests and must be acted on swiftly, processing of the proposed suspension action will occur simultaneously with the notification process to the deputy directors for and chiefs of special offices.

#### C4.3. GRIEVANCE AND APPEAL RIGHTS

- All employees, except for veteran's preference eligibles, may grieve an adverse action through the DIA Employee Grievance System.
- Veteran's preference eligible employees may appeal the adverse actions to the MSPB. As part of the decision notice, the employee will be provided:

- notice of the time limits on appealing to the MSPB and the address of the appropriate board office for filing the appeal.
  - a copy of the board's regulations
  - a copy of Optional Form 283 (U.S. Merit Systems Protection Board Appeal).
- The GC will represent DIA on all appeals before the MSPB. Under established rules, DIA has 15 days from date of receipt of request from the MSPB Field Office to provide the case record in federal employee appeals, or the MSPB will decide the case without it.
- for employees assigned to DH, will maintain a case file and will make it available for review to the employee upon request. The file will contain:
  - the notice of proposed action and supporting materials.
  - the reply of the employee.
  - the notice of final decision and reasons for the decision, and a copy of the SF 50.
- Advance written notice and opportunity to reply are not necessary for furlough without pay due to unforeseeable circumstances such as sudden breakdown in equipment or emergencies requiring immediate curtailment of activities.

#### C4.5. NOTICE PERIOD

- Generally, during the notice period for an adverse action, employees will remain assigned to their regular jobs in a pay status. If the employee's presence at the work site could result in injury to the employee or other individuals or could result in loss of or damage to government property, the employee may be:
  - assigned to temporary duties.
  - placed on leave with his/her consent.
  - placed on involuntary sick or other leave by the leave-approving official (in coordination with  for DH employees) when he or she is physically or mentally incapacitated for duty.
  - charged with absent without approved leave (AWOL)
  - placed in a paid non-duty status.

## C5. CHAPTER 5

## PENALTIES

## C5.1. FACTORS IN DETERMINING APPROPRIATE PENALTIES

- The deciding official must indicate the specific factors he/she considered when the final decision was made.
- The following factors must be considered when choosing appropriate penalties for disciplinary and adverse actions
  - The nature and seriousness of the offense and its relation to the employee's duties and responsibilities, including whether the offense was intentional or technical; inadvertent or committed maliciously or for gain; or was frequently repeated.
  - The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and the prominence of the position.
  - The employee's past disciplinary record.
  - The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
  - The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisor's confidence in the employee's ability to perform assigned duties.
  - Consistency of the penalty with those imposed upon other employees for the same or similar offenses.
  - The notoriety of the offense, or impact upon the reputation of DIA.
  - The clarity of the notification given to employee regarding any rules that were violated in committing the offense, or had been warned about the conduct in question.
  - Potential for the employee's rehabilitation.
  - Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.
  - The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

## C5.2. PROGRESSION OF PENALTIES

- Supervisors and managers should apply increasingly more severe penalties as the employee continues to breach the employee-employer relationship. Such a progression establishes a constructive disciplinary process. Supervisors usually begin a progression of penalties with letters of reprimand and proceed through suspensions.

## EXAMPLE

If a supervisor or manager imposes a 3-day suspension for a first offense, a second offense would call for the minimum of a 3-day suspension, even though the applicable offense in the table might show a range of reprimand to removal. If the employee does not meet assigned responsibilities, the supervisor may end the progression of penalties with removal.

## C5.3. PRIOR OFFENSES

- Table of penalties lists first, second, and third offenses. Previously recorded offenses will be considered when determining the severity of the penalty for the current offense, and if used, must be cited in any proposed action. The emphasis is on the employee's total employment record, and the degree of the penalty is determined by the act itself plus any previous disciplinary/adverse actions.
- for DH employees, will make a determination about the use of prior offenses after examination of the employee's official record.

## C5.4. TABLE OF PENALTIES

- The purpose of the table of penalties is to assist supervisors and managers in selecting appropriate penalties and to provide a framework for constructive discipline. In selecting an appropriate disciplinary action, it should be remembered that discipline has a constructive purpose and is intended to
  - correct the unacceptable conduct, attitude or work habits, or behavior
  - help maintain morale and efficiency of the agency
  - be fair and reasonable in its degree of severity.
- Table of penalties is not intended to cover every possible offense. Rather, it covers the more common offenses committed by employees. Remedies for offenses not listed will be determined consistent with the criteria established in this guide. ***Supervisors and managers must consult with  or  for DH employees, for guidance on selecting an appropriate penalty.***
- Table of penalties is intended to serve only as a guide, and greater or lesser penalties than suggested may be imposed as circumstances warrant. For example, removal on first offense may be warranted for extended AWOL periods. Supervisors or managers can choose the severity of action: written reprimand, suspension, removal.
  - Reprimand is a disciplinary action that should be adequate for many disciplinary situations that require an action more severe than an oral/written admonishment.

- A suspension is a severe disciplinary action. It is the final step in the disciplinary process before removal and is accompanied by a warning to the employee that a further violation of rules could result in removal.
- Removal is the most severe disciplinary action. Before it is initiated, the facts and circumstances in the case must be carefully reviewed to ensure they support the conclusion that the employee demonstrated unwillingness or refusal to conform to the rules of conduct, or has so breached the employee-employer relationship that other rehabilitation is not appropriate and removal is warranted for the offense.

<b>DIA TABLE OF PENALTIES</b>			
<b>Nature of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
<b>1. Hostile and/or unsafe environment.</b> Engaging in or allowing conduct that interferes with work or creates an intimidating, unsafe, hostile or offensive work environment.	Reprimand to removal.	5 day suspension to removal.	Removal
<b>2. Harassment and/or intimidation.</b>			
2a. Actions or words that tend to denigrate an individual or any group for any reason, but especially because of race, color, gender, national origin, age, sexual orientation, or disability.	Reprimand to removal.	5 day suspension to removal.	10 day suspension to removal.
2b. Abusive, offensive, unprofessional language, gestures, or conduct.	Reprimand to removal.	5 day suspension to removal.	10 day suspension to removal.

<b>DIA TABLE OF PENALTIES</b>			
<b>Nature of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
<b>3. Sexual Harassment</b>			
3a. Unwelcomed sexual teasing, jokes, remarks, gestures or questions.	<u>By a non-supervisor</u> Reprimand to 30-day suspension  <u>By a supervisor</u> Reprimand to removal	<u>By a non-supervisor</u> 5-day suspension to removal  <u>By a supervisor</u> 10-day suspension to removal	<u>By a non-supervisor</u> 10-day suspension to removal  <u>By a supervisor</u> Removal
3b. Sending letters, notes, cards, emails or making telephone calls of an unwelcomed sexual nature.	<u>By a non-supervisor</u> Reprimand to 30-day suspension  <u>By a supervisor</u> 1-day suspension to removal	<u>By a non-supervisor</u> 5-day suspension to removal  <u>By a supervisor</u> 14-day suspension to removal	<u>By a non-supervisor</u> 10-day suspension to removal  <u>By a supervisor</u> Removal
3c. Repeated unwelcomed requests for dates.	<u>By a non-supervisor</u> Reprimand to 30-day suspension  <u>By a supervisor</u> 14-day suspension to removal	<u>By a non-supervisor</u> 5-day suspension to removal  <u>By a supervisor</u> Removal	<u>By a non-supervisor</u> Removal
3d. Posting, distributing, showing or viewing visual materials of a sexual nature in the workplace.	<u>By a non-supervisor</u> 1-day suspension to removal  <u>By a supervisor</u> 30-day suspension to removal	<u>By a non-supervisor</u> 10-day suspension to removal  <u>By a supervisor</u> Removal	<u>By a non-supervisor</u> Removal
3e. Unwelcomed physical touching of a non-erogenous area of another person (may include unsolicited hug, neck rub, shoulder rub, leg rub or kiss,	<u>By a non-supervisor</u> 1-day suspension to removal  <u>By a supervisor</u> 30-day suspension to removal	<u>By a non-supervisor</u> 10-day suspension to removal  <u>By a supervisor</u> Removal	<u>By a non-supervisor</u> Removal

etc.).			
3f. Unwelcomed physical touching of an erogenous area of another person (to include breast, buttocks, or pelvic area).	<u>All employees</u> 30-day suspension to removal	<u>All employees</u> Removal	
3g. Promise of employment benefit in exchange for sexual favors.	<u>All employees</u> Removal		
3h. Threat or act of reprisal for refusal to provide sexual favors.	<u>All employees</u> Removal		
<b>4. Reprisal.</b>			
4a. Interference with an employee's exercise of, or reprisal for exercising a right to grieve, appeal, or file a complaint through established procedures.	5 day suspension to removal.	10 day suspension to removal.	Removal
4b. Reprisal against an employee for providing information to representatives of the IG, GC, or <span style="border: 1px solid black; display: inline-block; width: 50px; height: 15px; vertical-align: middle;"></span>	5 day suspension to removal.	10 day suspension to removal.	Removal

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DIA TABLE OF PENALTIES			
Nature of Offense	First Offense	Second Offense	Third Offense
<b>5. Discrimination.</b> Acting or failing to act on an official matter (including a personnel action) which improperly takes into	Reprimand to removal.	10 day suspension to removal.	Removal

consideration an individual's race, color, religion, national origin, gender, age, sexual orientation, or disability.			
<b>6. Violence, threatening behavior, or creating a disturbance.</b>			
6a. Engaging in threatening or menacing behavior.	5 day suspension to removal.	10 day suspension to removal.	Removal
6b. Engaging in an act of violence.	5 day suspension to removal	Removal	
6c. Engaging in disorderly behavior, creating a disturbance, or disrupting the work environment.	Reprimand to 30 day suspension.	5 day suspension to 30 day suspension.	10 day suspension to removal.
<b>7. Smoking in unauthorized places.</b>	Reprimand	Reprimand to 5 day suspension.	1 day suspension to 30 day suspension.
<b>8. Illegal use of drugs.</b>	5 day suspension to removal.	Removal	
<b>9. Use of alcohol or legal substances.</b>			
9a. Unauthorized use of alcohol beverages or misuse of legal substances while in duty status.	Reprimand to 14 day suspension.	5 day suspension to 30 day suspension.	10 day suspension to removal.

DIA TABLE OF PENALTIES			
Nature of Offense	First Offense	Second Offense	Third Offense
9b. Reporting to or being on duty while under the influence of alcohol to a degree which would interfere with proper performance of duty,	Reprimand to 30 day suspension.	5 day suspension to removal.	Removal

would be a menace to society, or would be prejudicial to the maintenance of discipline or as a result of legal substances.			
<b>10. Unauthorized absence (AWOL).</b>			
10a. Any delay or absence from the regularly scheduled tour of duty which has not been authorized and/or for which pay must be denied (AWOL) or any absence from management directed additional hours of duty (unauthorized absence).	Reprimand to 5 day suspension.	Reprimand to 30 day suspension.	10 day suspension to removal.
10b. Failure to follow established leave procedures.	Reprimand to 5 day suspension.	Reprimand to 30 day suspension.	5 day suspension to removal.
<b>11. Destroying records.</b> Wrongfully concealing, removing, altering, or destroying of government records.	Reprimand to removal.	5 day suspension to removal.	10 day suspension to removal.

DIA TABLE OF PENALTIES			
Nature of Offense	First Offense	Second Offense	Third Offense
<b>12. Weapons.</b> Unauthorized use and/or possession of firearms or other weapons on	Reprimand to removal.	5 day suspension to removal.	Removal

government property or while in an official status.			
<b>13. Credentials or authority.</b> Unauthorized or improper use of official authority or credentials.	Reprimand to removal.	5 day suspension to removal.	Removal
<b>14. Government vehicles.</b> Willful misuse of (or authorizing the misuse of) a government owned or leased motor vehicle.	30 days suspension to removal.	Removal	
<b>15. Responding to official inquiries.</b>			
15a. Misrepresentation, falsification, concealment, exaggeration, or withholding of material facts or documents in connection with an official administrative proceeding (including investigations).	Reprimand to 30 day suspension.	5 day suspension to removal.	10 day suspension to removal.

<b>DIA TABLE OF PENALTIES</b>			
<b>Nature of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
15b. Refusal to testify or cooperate with agency officials or representatives of other government agencies in official administrative	Reprimand to 30 day suspension.	5 day suspension to removal.	10 day suspension to removal.

proceedings or inquiries.			
15c. Interfere with, attempting to influence or alter testimony of witnesses or participants.	5 day suspension to 30 day suspension.	5 day suspension to removal.	Removal
<b>16. False statements.</b> False statements (oral or written), misrepresentations, or fraud on official records submitted to the agency.	Reprimand to removal.	5 day suspension to removal.	Removal
<b>17. Insubordination.</b>			
17a. Failure to comply with rules, regulations, written procedures, or supervisory instructions.	Reprimand to 5 day suspension.	Reprimand to 30 day suspension.	5 day suspension to removal.
17b. Delay in carrying out or failure to carry out instructions in a reasonable time.	Reprimand.	Reprimand to 14 day suspension.	10 day suspension to removal.
<b>18. Observing official regulations.</b>			
18a. Willful, careless or negligent failure to observe any written regulation or order prescribed by competent authority.	Reprimand to 30 day suspension.	5 day suspension to removal.	10 day suspension to removal.

DIA TABLE OF PENALTIES			
Nature of Offense	First Offense	Second Offense	Third Offense
18b. Willful failure to observe any written regulation or order prescribed by competent authority that endangers the safety of persons or	5 day suspension to removal.	10 day suspension to removal.	14 day suspension to removal.

property.			
<b>19. Careless or negligent performance of official duties.</b>	Reprimand to 5 day suspension.	5 day suspension to 30 day suspension.	10 day suspension to removal.
<b>20. Criminal/Integrity.</b> Any criminal, dishonest, immoral conduct.	Reprimand to removal.	5 day suspension to removal.	10 day suspension to removal.
<b>21. Misuse of duty time.</b> Sleeping or failing to attend to assigned duties.	Reprimand to 5 day suspension.	Reprimand to 14 day suspension.	10 day suspension to removal.
<b>22. Soliciting/Fund raising.</b> Unauthorized soliciting, sales of merchandise or property or engaging in unauthorized fund-raising or membership drives.	Reprimand to 5 day suspension.	Reprimand to 10 day suspension.	5 day suspension to removal.
<b>23. Gambling, betting, lotteries.</b> Participating in, operating, or promoting gambling activity while on government owned or leased property and/or while in duty status.	Reprimand to 10 day suspension	5 day suspension to 30 day suspension.	10 day suspension to removal.

DIA TABLE OF PENALTIES			
Nature of Offense	First Offense	Second Offense	Third Offense
<b>24. Safeguarding information.</b>			
24a. Careless or negligent disclosure or use of classified or Privacy Act material/information.	Reprimand to removal.	5 day suspension to removal.	10 day suspension to removal.

24b. Willful disclosure or use of classified or Privacy Act material/information.	5 day suspension to removal.	Removal	
<b>25. Misuse of Government Resources.</b>			
25a. Unauthorized use of government property (owned, leased, or provided property), services, or funds (including failure to account for, distribute, or the loss of government funds).	Reprimand to removal.	5 day suspension to removal.	10 day suspension to removal
25b. Careless loss of or willful misuse, abuse or damage/destruction to government property, tools or equipment.	Reprimand to removal.	5 day suspension to removal.	10 day suspension to removal.
25c. Misuse of Government Travel Card (e.g., use for unauthorized personal expenses, failure to pay charge card bill or pay such bill in a timely manner).	Reprimand to removal.	5 day suspension to removal.	10 day suspension to removal.

<b>DIA TABLE OF PENALTIES</b>
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<b>Nature of Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
25d. Unauthorized use of or failure to appropriately control use of Government Purchase Charge Card as a cardholder, approving official responsible for use or oversight of the card.	Reprimand to removal.	14-day suspension to removal.	30-day suspension to removal.
<b>26. Gifts and conflicts.</b>			
26a. Gifts between employees. Improperly soliciting a contribution for a gift for an official superior; providing an unauthorized gift/donation to an official superior; or accepting an unauthorized gift from an employee receiving less pay.	Reprimand to 5 day suspension.	5 day suspension to removal.	Removal
26b. Gifts from prohibited sources. Soliciting or improperly accepting, directly or indirectly, a gift from a prohibited source.	Reprimand to removal.	10 day suspension to removal.	Removal
26c. Travel benefits. Improperly soliciting or accepting travel or travel-related benefits.	Reprimand to 5 day suspension.	5 day suspension to 30 day suspension.	10 day suspension to removal.

## C6. CHAPTER 6

## NATIONAL SECURITY ACTIONS

## C6.1. NATIONAL SECURITY ACTIONS

National security actions under title 5 United States Code (U.S.C.) are limited to cases involving a threat to national security that cannot be processed under any other law or regulation.

## C6.2. SUSPENSION

- The DR as the agency head has the legal authority to summarily suspend without pay any civilian employee when such action is deemed necessary in the interests of national security. (DIA was designated an agency by the President on 23 May 1988).
- When an employee has been suspended because of issues of national security, the employee is entitled to:
  - notification in writing of the reasons for the suspension
  - the right to submit within 30 days, statements or affidavits to an official designated by the DR, explaining why he/she should be returned to duty.
- The decision of the DR is final.

## C6.2. TERMINATION

- After suspension and before termination, an employee, who is a United States citizen, has completed his probationary period or trial period and has a permanent or indefinite appointment, is entitled to:
  - a written statement of the charges against him/her within 30-days after suspension begins. The notice will be as specific as security considerations permit.
  - the right to respond to the notice and submit affidavits within 30 days.
  - a hearing at the request of the employee
  - a review of his/her case by an official designated by the DR before a decision adverse to the employee is made final
  - a written statement of the decision of the DR.
- If at any time the charges are amended, a new 30-day period begins.
- The decision of the DR is final.

## C6.3. TERMINATION ACTIONS BASED ON THE INTERESTS OF NATIONAL

## SECURITY

- The Secretary of Defense has the authority to summarily terminate, in the interests of the United States, any employee in a defense intelligence position under 10 U.S.C. § 1609 when other provisions of law cannot be invoked in a manner consistent with national security.
- A decision by the Secretary of Defense to terminate the employment of an employee under this section is final and may not be appealed or reviewed outside the Department of Defense.

## C7. CHAPTER 7

**LABOR RELATIONS**

Executive Order 12171 excludes DIA from the Federal Labor Management Relations Program. Although DIA is exempt from having to negotiate with, or recognize employee groups, it upholds the right of its employees to freely, and without fear of penalty or reprisal, join or refrain from joining a lawful labor organization. Management officials may consult with representatives of a labor organization, but such consultation will be on an informal basis only and will not commit DIA to any course of action. Prior to arranging and consulting with a labor organization representative, the management official will report the request to  and GC who will advise on the matter.

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