

USMS Guidance
Table of Disciplinary Offenses and Penalties

Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
I. Attendance Issues				
a. Unexcused or unauthorized absence on scheduled day of work (AWOL in increments of 15 minutes or more)	To include absences of 8 hours or less to absences of 8 hours or more of AWOL. (Note: This absence does not have to be consecutive.) Also includes tardiness relating to reporting for duty, returning from lunch or break, and returning from an authorized absence from the workstation.	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal
b. Recurring excessive unexcused or unauthorized absence	To include absences of five consecutive days or more	14-day Suspension to Removal	Removal	—
c. Violation of leave restrictions	A violation of properly imposed leave restrictions or instructions can be charged in addition to AWOL	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day to Removal
d. Improper use of sick leave for any reason other than permitted under USMS Directive 3.4	Involves an employees' use of sick leave for reasons other than that which is authorized. For example: for a family vacation.	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day to Removal

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
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e. Failure to report for duty as detailed, transferred, or reassigned	This is not limited to employees who are under a mobility agreement. [<i>Ramos v. Federal Aviation Administration</i> , 4 M.S.P.R. 388, 4 M.S.B.P. 446 (1980); <i>Boykin v. United States Postal Service</i> , 1995 U.S. App. LEXIS 2183 (Fed. Cir. 1995) (nonprecedential decision)]	Removal	—	—
II. Fiscal Issues				
a. Submission of falsely stated travel vouchers, time and attendance, or other fiscal documents or their supporting documentation	Falsification occurs when an employee knowingly or in reckless disregard for the truth or with a conscious purpose to avoid learning the truth provides false information or withholds information with the intent to deceive or defraud. These elements can be established by direct or circumstantial evidence.	Reprimand to Removal	Removal	—
c. Failure to properly expend allocated resources		Reprimand to 14-day Suspension	14-day Suspension to Removal	Removal
d. Expenditure of allocated funds in excess of funds available		14-day Suspension to Removal	Removal	—

USMS Guidance
Table of Disciplinary Offenses and Penalties

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e. Unauthorized and/or improper use of property, government funds, or any other thing of value coming into an employee's custody as a result of employment		Reprimand to Removal	Removal	—
f. Misuse of government issued credit card for other than authorized purposes	To include using the card for personal purchases while in a travel status, extending authorized stay at hotel, and excessive ATM withdrawals. An extensive list of prohibitions is listed in the credit card policy.	Reprimand to 14-day Suspension	14-day Suspension to Removal	Removal
III. False Statements or Incorrect Official Documents				
a. Falsification, misrepresentation, or concealment of information or fact(s) in connection with an official government document or in any other official statement, oral or written	To include: employment documents or other matters under official investigation. Falsification occurs when an employee knowingly or in reckless disregard for the truth or with a conscious purpose to avoid learning the truth provides false information or withholds information with the intent to deceive or defraud. These elements can be established by direct or circumstantial evidence.	14 day Suspension to Removal	Removal	—

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b. Lack of Candor	When an employee fails to disclose information that should have been disclosed in order to make the statement accurate and complete.	14 day Suspension to Removal	Removal	—
IV. Harassment/Discrimination/Sexual Misconduct				
a. Sexual Harassment	As defined in Title VII of the Civil Rights Act of 1964, as amended	5 day Suspension to Removal	Removal	—
b. Solicitation of Prostitution	Soliciting, procuring, or accepting commercial sex even if the conduct is not considered a crime in the jurisdiction of the offense.	5 day Suspension to Removal	Removal	—
c. Unprofessional or inappropriate conduct of a sexual nature	To include: teasing, jokes, actions, gestures, display of materials or remarks of a sexual nature	Reprimand to Removal	14-day to Removal	Removal
d. Retaliation against an employee resulting from or in connection with an allegation of sexual harassment	Any person who has been found to have engaged in the act of retaliation.	5 day Suspension to Removal	Removal	—
e. Creating and/or fostering a hostile working environment by any discriminatory activity	To include: intimidating employees by speech, behavior, gestures, etc. A hostile environment is created when the conduct is sufficiently severe or pervasive as to affect a term, condition or privilege of	5-day Suspension to Removal	Removal	—

USMS Guidance				
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	employment.			
f. Discrimination against an employee or applicant for employment because of race, color, sex, religion, national origin, age, disability, or sexual orientation. Retaliation against an employee having engaged in a protected activity or in reprisal for the exercise of an appeal right granted by any law, rule or regulation or for engaging in whistle blowing	Discrimination in the Federal government is prohibited by, among other laws and regulations, Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin; the Equal Pay Act of 1963, which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination; the Age Discrimination in Employment Act of 1967, which protects individuals who are 40 years of age or older; Title I and Title V of the Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008 (P.L. 110-325), revised, which prohibit employment discrimination against qualified individuals with disabilities.	5 day Suspension to Removal	14-day Suspension to Removal	Removal
V. Law Enforcement Specific Offenses				
a. Improper association with a convicted felon or witness protection program participant, confidential source and/or persons connected	All USMS employees are held accountable for this type of behavior.	Reprimand to Removal	Removal	—

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
with criminal activity.				
b. Unintentional and improper discharge of a firearm		Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal
c. Intentional and improper discharge of a firearm		14-day Suspension to Removal	Removal	—
d. Improper or unauthorized use, display or possession of a firearm or other weapon	To include accidentally or unintentionally bringing a weapon into the building in vehicle, purse, brief case, and use of less than lethal force, etc.	1-day Suspension to Removal	Removal	—
e. Loss of a USMS issued badge or credential		Reprimand to 2-day Suspension	2- to 7-day Suspension	7- to 14-day Suspension
f. Loss of a USMS issued firearm	For example: a firearm that is stolen from an employee's Government Owned Vehicle or Private Owned Vehicle.	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day to Removal
g. Intentional, reckless or negligent violation of rules governing searches and seizures	For example: A violation is 'intentional' when the act is foreseen and desired, and this foresight and desire resulted in the act through the operation of the doer's will. This can be proven by direct or circumstantial evidence. A violation is in 'reckless disregard of the rules' when the act was undertaken with conscious	Reprimand to Removal	—	—

**USMS Guidance
Table of Disciplinary Offenses and Penalties**

Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
	indifference to its possible consequences. This is a lesser included offense of a charge of intentional violation of rules governing searches and seizures. A violation is 'negligent' when it occurs because the person committing the violation failed to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation. This is a lesser included offense of a charge of intentional violation of rules governing searches and seizures and of a charge of reckless disregard of rules governing searches and seizures			
h. Failure to secure or process evidence	For example: leaving evidence overnight without following proper storage procedures	Reprimand to 3-day Suspension	3- to 7-day Suspension	7- to 14-day Suspension
i. Failure to report misconduct related issues through the Chain of Command or to the Office of Internal Investigations in a timely fashion	All employees are required to report misconduct related issues, to include: theft, unauthorized use of an Government Owned Vehicle, falsifying documents, etc.	Reprimand to 3-day Suspension	3- to 7-day Suspension	7- to 14-day Suspension
j. Unauthorized interference with, refusing, or failing to submit to a properly ordered or	Including substituting, altering otherwise tampering with a urine sample	Removal	—	—

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
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authorized drug test				
k. Unauthorized failure or refusal to submit to a properly ordered physical examination or psychological examination	Only applies to those employees who are under medical standards as a condition of continued employment	Removal	—	—
VI. Failure to Follow				
a. Failure to follow supervisory instructions	An employee's refusal or noncompliance with a supervisor's instruction.	Reprimand to Removal	7- to 14-day Suspension	14-day Suspension to Removal
b. Failure to follow written or oral instructions	An employee's noncompliance with agency rules, regulations, and/or policies.	Reprimand to Removal	7- to Removal	14-day Suspension to Removal
VII. Negligent Work				
a. Sleeping while on duty		Reprimand to 3-day Suspension	3- to 14-day Suspension	14-day Suspension to Removal
b. Inattention to duty/careless workmanship	For example: an employee that has failed to pay attention to some detail of an assignment that has therefore caused some sort of problems or issue	Reprimand to 7-day Suspension	7- to 14-day Suspension	14-day Suspension to Removal

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VIII. Health & Safety Issues				
a. Failure to follow proper safety procedures, posted rules, signs, protective clothing and equipment procedures	For example: failing to wear the protective clothing as required on tactical assignments	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal
b. Failure to exercise proper hygiene and dress standard in the workplace		Reprimand to 5-day Suspension	5- to 14-day Suspension	14 day Suspension to Removal
IX. Security Issues				
a. Unauthorized disclosure of and/or failure to safeguard information protected by the Privacy Act, other official, sensitive, or classified information	Including: Disclosure of and/or failure to prevent access to classified or USMS Sensitive information to uncleared personnel or to persons not having a need-to-know; transmitting or transporting or sensitive information improperly; failure to properly secure, store, or dispose of classified or USMS Sensitive information; discussing or transmitting classified or USMS Sensitive information over non-encrypted systems.	Reprimand to Removal	2-day Suspension to Removal	5-day Suspension to Removal
b. Failure to submit required reinvestigation forms within prescribed timeframe or to attend scheduled	Including: Failure or refusal to properly complete or submit the SF-86 in a timely manner; failure to respond to attempts by the Personnel Security Section or authorized investigators to	Reprimand to 7-day Suspension	7- to 14-day Suspension	14-day Suspension to Removal

USMS Guidance Table of Disciplinary Offenses and Penalties				
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security briefing	obtain missing personal background information			
c. Inability to meet the requirements of the position/ maintaining a clearance	For example: Failure to maintain a security clearance required for the position based in information arising in background investigation or as a result a misconduct investigation.	Removal	—	—
d. Sharing of or failure to protect passwords, failure to follow IT security policy, and/or exploitation of USMS's IT systems in a manner which undermines established system security protocols	Including: Sharing or fraudulent use of another user's password; improperly safeguarding passwords; processing classified information on unclassified systems; hacking into IT systems; attempting to access system information without proper authorization; tampering with the integrity of IT system security configurations or data; adding peripheral devices or unauthorized software/hardware to USMS's IT systems.	Reprimand to Removal	2-day Suspension to Removal	5-day Suspension to Removal
e. Failure to follow, attempts to bypass, or careless disregard for established physical and/or facilities security measures	Including: Failure to escort uncleared visitors or allowing them improper access to USMS controlled; disclosing secure combinations or access codes to unauthorized personnel; failure to display or fraudulent use of building pass.	Reprimand to Removal	2-day Suspension to Removal	5-day Suspension to Removal
X. Supervisory Misconduct				

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Table of Disciplinary Offenses and Penalties

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a. Failure to properly supervise employees		Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal
b. Failure to enforce USMS policies/ regulations		Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal
XI. Conduct Prejudicial to the USMS/DOJ				
a. Failure to honor just debts without good cause	To include: personal credit debt as well as failing to pay the full account balance on a government issued credit card within the allotted timeframe	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal
b. Damaging government property or the property of others		Reprimand to 14-day Suspension	14-day to Removal	Removal
c. Willful use or authorizing the use of any government owned or leased passenger vehicles, aircraft, or vessels for other than official purposes	Offense carries a mandatory penalty of 1-month suspension as defined in 31 USC 1349(b) To include any use that is not authorized under USMS policy as permissible use of an GOV.	30-day Suspension to Removal	60-day to Removal	Removal
d. Misuse of any government owned or leased passenger vehicles, aircraft, or vessels for other than official purposes.		Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal

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Table of Disciplinary Offenses and Penalties				
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e. Operating an official government vehicle while under the influence of alcohol and/or drugs	Under the influence is defined in the Standards of Conduct.	60-day Suspension to Removal	Removal	—
f. Disrespectful or unprofessional conduct	To include: use of insulting, abusive or obscene language, angry outbursts, disrespectful comments, provoking quarrels, or inappropriate remarks	Reprimand to 7-day Suspension	7- to 14-day Suspension	14-day Suspension to Removal
g. Unauthorized refusal to cooperate in an official U.S. Government inquiry or investigation	For example: refusal to answer work-related questions or attempting to influence others involved in an official Government investigation	14 day Suspension to Removal	Removal	—
h. Refusal to cooperate in an administrative investigation	Including refusal to answer questions of Office of Internal Investigation investigators or attempting to influence others involved in the inquiry	14- day Suspension to Removal	Removal	—
i. Reporting for duty under the influence of intoxicants or other drugs	Under the influence is defined in the Standards of Conduct.	5-day Suspension to Removal	Removal	—
j. Unauthorized possession of intoxicants on	(This does not include being in possession of an unopened gift of a bottle of wine or	5-day Suspension to Removal	Removal	—

USMS Guidance Table of Disciplinary Offenses and Penalties				
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government owned or leased property	alcoholic beverage)			
k. Engaging in unauthorized outside employment	Outside employment must be approved prior to its start	Reprimand to 14-day Suspension	14-day to Removal	Removal
l. Improper operation of an official vehicle	To include violating traffic regulations	Reprimand to 7-day Suspension	7- to 14-day Suspension	14-day Suspension to Removal
m. Misuse of position/office	For example: the use of USMS systems to which you have access in connection with your position, to gain information for personal use	Reprimand to 7-day Suspension	7-day Suspension to Removal	14-day Suspension to Removal
n. Improper use of official authority or credentials	To include the use of your official credentials in an attempt to be provided preferential treatment because of your position with the USMS	Reprimand to 7-day Suspension	7- to 14-day Suspension	14-day Suspension to Removal
o. Conduct Unbecoming a USMS employee		Reprimand to Removal	7-day Suspension to Removal	14-day Suspension to Removal
p. Disorderly conduct, fighting, threatening or attempting to inflict bodily injury to another		Reprimand to 14-day Suspension	14-day to Removal	Removal
q. Gambling or unlawful betting	For example: placing bets on football pools, playing cards	Reprimand to 5-day	5- to 14-day Suspension	14-day Suspension to

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
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on government owned or leased property	for profit on government owned or leased property	Suspension		Removal
r. Taking or attempting to take government property or the property of others without permission		14-day Suspension to Removal	Removal	—
s. Unauthorized receiving of soliciting gifts or favors or bribes in connection with official duty		14-day Suspension to Removal	Removal	—
t. Criminal, dishonest, infamous, or notoriously disgraceful misconduct		14-day Suspension to Removal	Removal	—
u. Failure to report possible conflict of interests which relates to employee's position or duties	For example: having a financial interest in a company in which USMS is doing business and the employee stands to profit from his/her connection with the business	Reprimand to Removal	Removal	—
v. Conduct which creates a		Indefinite Suspension to	Removal	—

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reasonable belief that the employee has committed a crime for which a sentence of imprisonment may be imposed.		Removal		
w. Unauthorized use or possession of narcotics, dangerous drugs or marijuana		Removal	—	—
x. Discourteous conduct to the public	Using improper language to the public, clients, complainants, etc.	Reprimand to 5-day Suspension	5- to 10-day Suspension	14-day Suspension to Removal
y. Failure to provide required testimony	For example: not attending a hearing in which you have been scheduled to provide testimony	Reprimand to Removal	5-day Suspension to Removal	14-day Suspension to Removal
z. Concealing, removing, mutilating, altering, or destroying government records	For example: destroying time and attendance reports prior to records requirements for disposal	Reprimand to Removal	Removal	—
aa. Conducting unauthorized personal business while in a duty status	(Allowable use includes: minimal use of government equipment such as computers, copiers, and printers during lunch, breaks, and before & after work)	Reprimand to Removal	14-day Suspension to Removal	Removal
bb. Misuse of Internet and/or	To include: employees who send or download obscene or	Reprimand to Removal	14-day Suspension to	Removal

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
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unauthorized use of federal telecommunication system, commercial long distance	sexually related materials over the e-mail or visit obscene websites		Removal	
cc. Misrepresentation /Falsification of an application for employment or other personnel history record by omission or by making a false entry	To include: an employee or applicant who provides information on an application for employment that is incorrect	Removal	—	—
dd. Conviction law enforcement officer of a felony		Removal (mandatory under statute)	—	—
ee. Off duty misconduct	To include operation of POV while under the influence	Reprimand to 14 day Suspension	14- to 30 day Suspension	30 day Suspension to Removal
ff. Violations of the Code of Professional Responsibility		Reprimand to 14- day Suspension	14- to 30 day Suspension	30 day Suspension to Removal