

## OFFENSES AND PENALTIES

Nature of Offense	First	Second	Third
<p>1. Attendance-related offenses.</p> <p>a. Absence without leave. This includes tardiness and delay in returning from lunch and break periods, or returning after leaving work station on official business, or disappearing from work station for a period of time.</p> <p>(Penalty depends on, among other things, length and frequency of absences. Removal may be appropriate for a first or second offense if the absence is prolonged with no foreseeable end in sight.)</p> <p>b. Failure to follow established leave procedures</p>	<p>Reprimand to 5-day suspension</p> <p>Reprimand to 5-day suspension</p>	<p>5- to 30-day suspension</p> <p>5- to 30-day suspension</p>	<p>30-day suspension to removal</p> <p>30-day suspension to removal</p>
<p>2. Improper or unauthorized release of Agency information or employee records</p>	<p>Reprimand to 5-day suspension</p>	<p>5- to 30-day suspension</p>	<p>30-day suspension to removal</p>
<p>3. Offenses related to substances abuse.</p> <p>(Actions involving these offenses should be reviewed to ensure the requirements in paragraph 4-4 are met.)</p> <p>a. Alcohol-related</p> <p>(1) Reporting to or being on duty while under the influence of alcohol.</p> <p>(2) Unauthorized use of alcoholic beverages while on Government premises</p> <p>b. Drug-related</p> <p>(1) Administratively confirmed positive finding under the testing portion of the Drug-Free Workplace Program</p> <p>(2) Unauthorized possession of an illegal drug or controlled substance while on Government premises or in a duty status</p> <p>(3) Unauthorized use of an illegal drug or controlled substance while on Government premises or in a duty status.</p> <p>(4) Reporting to or being on duty while under the influence of</p>	<p>Reprimand to 5-day suspension</p> <p>15- to 30-day suspension</p> <p>Reprimand to removal</p> <p>Reprimand to 30-day suspension</p> <p>15-day suspension to removal</p> <p>Reprimand to 30-day suspension</p>	<p>5- to 30-day suspension</p> <p>30-day suspension to removal</p> <p>Removal</p> <p>30-day suspension to removal</p> <p>30-day suspension to removal</p> <p>30-day suspension to removal</p>	<p>30-day suspension to removal</p> <p>Removal</p> <p>Removal</p> <p>Removal</p> <p>Removal</p>

\*The Table of Offenses and Penalties is used in conjunction with Section 4-3 of this Handbook.

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an illegal drug or controlled substance.			
(5) Sale or transfer of an illegal drug or controlled substance while on Government premises or in a duty status.	Removal		
(6) Refusal or failure to obtain or complete counseling or rehabilitation.	Removal		
4. Making false, malicious, or unfounded statements against co-workers, supervisors, subordinates, or Government officials which tend to damage the reputation or undermine the authority of those concerned.	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
5. Rude, boisterous, or disruptive conduct; use of insulting, abusive or offensive language to or about other employees.	Reprimand to 5-days	5- to 30-day suspension	30-day suspension to removal
6. Threatening behavior	30-day suspension to removal	Removal	
7. Violent behavior	30-day suspension to removal	Removal	
8. Unauthorized possession of Government property or property of others.			
a. Where substantial value is not involved	Reprimand to 5-day suspension	5- to 30-day suspension	30-day suspension to removal
b. Where substantial value is involved.	14-day suspension to removal	Removal	
9. Theft, actual or attempted	30-day suspension to removal	Removal	
10. Loss, misuse of or damage to Government property, records, or information.  For misuse of Government vehicles, see paragraph 32.	Reprimand to 14-day suspension	14- to 30-day suspension	30-day suspension to removal
11. Using Government employees in duty status for other than official purposes. (Penalty depends on the amount of employee time involved, the nature of the position held by the offending employee, and other factors.)	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
12. Misuse of official Government credentials.	Reprimand to 5-day suspension	5- to 30-day suspension	30-day suspension to removal
13. Deliberate misrepresentation, falsification, exaggeration,	14-day suspension to removal	30-day suspension to removal	Removal

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concealment or withholding of material fact.			
14. Refusal to testify or cooperate in connection with any administrative investigation, inquiry, or other proper proceeding (when criminal charges are not anticipated).	5-day suspension to removal	14-day suspension to removal	30-day suspension to removal
15. Falsification of official Government records or documents (or causing the same) including, but not limited to, time and attendance records, travel vouchers, SF-171's (job applications), performance appraisals, disability compensation claims, and other documents relating to employment. (Penalty depends on nature and severity of offense.)	Reprimand to removal	30-day suspension to removal	Removal
16. Forgery	14-day suspension to removal	Removal	
17. Offenses related to fighting. (Penalty depends on such factors as provocation, extent of injuries, and whether actions were defensive or offensive in nature.)			
a. Attempt to inflict bodily harm	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
b. Hitting, pushing, or other acts against another without causing injury.	5- to 30-day suspension	30-day suspension to removal	Removal
c. Hitting, pushing, or other acts against another causing injury.	30-day suspension to removal	Removal	
18. Failure or willful delay in carrying out instructions in a reasonable time.	Reprimand to 5-day suspension	5- to 30-day suspension	30-day suspension to removal
19. Insubordination, disregard of directive, refusal to comply with proper order. (In some instances, such as refusal to report for an ordered reassignment, removal may be appropriate.)	5-day suspension to removal	30-day suspension to removal	Removal
20. Sleeping or loafing while on duty and inattention to duty.	Reprimand to 5-day suspension	5- to 14-day suspension	14-day suspension to removal
21. Failure to recommend/take appropriate action upon receipt of information regarding job-related misconduct on the part of a subordinate employee. (Penalty is determined by severity of the offense.)	14- to 30-day suspension	30-day suspension to removal	Removal
22. Carrying a firearm or other weapon on Government property unless	30-day suspension to removal	Removal	

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Nature of Offense specifically required in the performance of duties.	First	Second	Third
23. Offenses related to gambling.  a. Participating in unauthorized gambling activity while on Government premises or in a duty status (i.e., office pools, such as World Series and football pools).  b. Operating, assisting, or promoting an unauthorized gambling activity while on Government premises or in a duty status or while others involved are in a duty status.	Reprimand to 14-day suspension  5- to 30-day suspension	14- to 30-day suspension  30-day suspension to removal	30-day suspension to removal  Removal
24. Participating in a strike, stoppage, work slowdown, sick-out, or other job action.	30-day suspension to removal	Removal	
25. Indebtedness (failure to meet financial obligations). Refer to <sup>1</sup> below.	Reprimand to 5-day suspension	5- to 14-day suspension	14-day suspension to removal
26. Violations of EEO statutes and regulations cited in 29 CFR 1614	14-day suspension to removal	30-day suspension to removal	Removal
27. Committing a personnel practice prohibited by 5 USC 2302 by administrative, managerial, or personnel officials. (This includes discrimination and reprisal against employees for exercise of their rights.) Refer to <sup>2</sup> below.	5- to 30-day suspension	14-day suspension to removal	Removal
28. Rendering preferential treatment to any person, corporation, public agency or group during the discharge of the duties and responsibilities of HUD position (e.g., acceptance of an appraisal for examination out of turn which results in a financial gain or other unfair advantage for the firm involved).	30-day suspension to removal	Removal	
29. Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, or anything of monetary value including, but not limited to,	30-day suspension to removal	Removal	

<sup>1</sup> Indebtedness, per se, is not an offense, but failure to pay a just financial obligation in a timely and proper manner becomes actionable if the Department can establish a nexus (connection) between the failure to pay and the efficiency of the service. Since a suspension would seemingly reduce an employee's ability to pay overdue financial obligations, a reprimand may be regarded as appropriate for a first or second offense, and more severe discipline, up to and including removal may be appropriate for subsequent offenses. Special care is called for in dealing with this type of offense, however, as it is more likely than other types of offenses to involve mitigating circumstances.

<sup>2</sup> When violations of HUD Merit Staffing Procedures have occurred, selection authority may be withdrawn. Violations may be identified by: (1) a Formal Grievance Officer during the course of a grievance inquiry; (2) the discrimination complaint process, or by OPM and court decisions; (3) an Office of Inspector General investigation; (4) the reconstruction of a merit staffing action by the Office of Personnel; (5) Personnel Management Evaluation by the Office of Personnel; or (6) an Office of Special Counsel review of a Prohibited Personnel Practice complaint.

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improvements made to an employee's home by contractor or others doing business with HUD. (Exceptions: voluntary gift(s) or donation(s) of nominal value made on a special occasion such as marriage, illness, or retirement.)			
30. Engaging directly or indirectly in the purchase, sale, or management of real estate prohibited by HUD Standards of Conduct found at 24 CFR Part O. (Exceptions: (a) employee's residence, immediate past residence, vacation or retirement home; or (b) realty transactions involving a moderate scale of investment properties, normally not more than six, which are not likely, in the foreseeable future, to be connected with a HUD program.)	30-day suspension to removal	Removal	
31. Using public office for private gain.	30-day suspension to removal	Removal	
32. Employment prohibited by HUD Standards of Conduct. (This includes but is not necessarily limited to the broad fields of real estate, mortgage lending, property insurance, construction, construction financing, land planning, and real estate development.)	30-day suspension to removal	Removal	
33. Having financial interests prohibited by HUD Standards of Conduct. (This includes but is not limited to the acquisition of FNMA, GNMA, or Community Development Corporation securities; ownership of stock in a rental project financed by FHA insurance; acquisition of FHA debentures of certificates of claim.)	30-day suspension to removal	Removal	
34. Standards of conduct violations not listed elsewhere in this Table of Penalties.	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
35. Directing, expecting, or rendering services not covered by appropriations ( U.S.C. 3103).	Removal		
36. Prohibited political activity.  a. Violation of prohibition against political contributions (5 U.S.C. 7323).  b. Violation of prohibition against campaigning or influencing elections (5 U.S.C. 7324 and 7325).	Removal  Removal		
37. Failure to deposit into Treasury, money accruing from lapsed salaries or from unused appropriations for salaries (5 U.S.C. 5501).	Removal		

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38. Willfully using or authorizing the use of a Government passenger vehicle or aircraft for other than official purposes (31 U.S.C. 1349(b)).	30-day suspension to removal	Removal	
39. Willfully mutilating or destroying a public record (18 U.S.C. 2071).	Removal		
40. Offenses related to Government travel charge card and/or ATM card. a. Misuse of card or delinquent in payment. b. Misuse of card and delinquent in payment.	Reprimand to 5-day suspension 5-day to 30-day suspension	5-day to 30 days suspension 14-day suspension to removal	30-day suspension to removal Removal
41. Misappropriate of monies: a. from HUD programs. b. from HUD clients. c. from a fund of co-workers' money.	30-day suspension to removal 30-day suspension to removal 5-day suspension to removal	Removal Removal 14-day suspension to removal	Removal
42. Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct or conduct prejudicial to the Federal Government.	Reprimand to removal	30-day suspension to removal	Removal

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