

## 3 FAM 4340 REPRIMAND

*(TL:PER-486; 10-28-2003)  
(Office of Origin: HR/ER/CSD)*

## 3 FAM 4341 PROPOSING OFFICIAL

*(TL:PER-486; 10-28-2003)  
(Uniform State/USAID/BBG/Foreign Service Corps, USDA/Commerce)  
(Applies to Foreign Service Only)*

The following individuals may propose to reprimand an employee:

Agency	Proposing Official
State	Director, Office of Employee Relations or designee
USAID	Chief, Personnel Operations Division (M/HR/POD) or Chief, Executive Management Division (M/HR/EM), or Deputy Inspector General (for OIG employees);
BBG	Director of Engineering (E) or Director of News Division (VOA/X) or Director of Personnel (M/P)
Agriculture	FAS: First Line Supervisor APHIS: Deputy Administrator, International Services (IS); Associate Deputy Administrator; Assistant Deputy Administrator; Regional Directors; Director, Operational Support; Area Directors; Supervisors of affected employees; Director, Human Resources; Chief, Employee and Management Relations
Commerce	Human Resources Manager, Office of Foreign Service

## 3 FAM 4342 DECIDING OFFICIAL

*(TL:PER-486; 10-28-2003)  
(Uniform State/USAID/BBG/Foreign Service Corps, USDA/Commerce)  
(Applies to Foreign Service Only)*

a. **For DOS**, the supervisor of the employee who issues the official proposal to reprimand normally makes the decision whether or not to sustain the proposed reprimand. **For USAID**, the Director, Office of Human Resources (M/HR), or the Inspector General (for OIG employees) makes the decision whether or not to sustain the proposed reprimand.

b. If the deciding official believes that there may be a conflict of interest, he or she may designate a different deciding official.

c. A deciding official described in section 3 FAM 4352 and 3 FAM 4368 may be a deciding official for a reprimand if he or she determines that a reprimand is appropriate as a lesser disciplinary action.

### **3 FAM 4343 PROPOSING REPRIMAND**

*(TL:PER-486; 10-28-2003)*

*(Uniform State/USAID/BBG/Foreign Service Corps, USDA/Commerce)*

*(Applies to Foreign Service Only)*

If, after consideration of the report of inquiry or investigation and the factors specified in 3 FAM 4324.3, the proposing official decides to propose a reprimand, he or she shall notify the employee in writing:

- (1) Of the specific reasons for the proposal to reprimand;
- (2) That if the proposed reprimand is sustained, the length of time the letter of reprimand will remain in the Official Performance File;
- (3) That the employee may respond orally and/or in writing, and may submit written statements in support of that response;
- (4) Of the name of the deciding official to whom the employee may respond;
- (5) That the employee's response will be fully considered by the deciding official;
- (6) That subject to 3 FAM 4325 the employee may have a representative of the employee's choosing;
- (7) Of any decision to exclude the employee from the work place during the notice period in accordance with 3 FAM 4323;
- (8) That the employee shall be granted a reasonable amount of official time to:
  - (a) Review only the material relied on in proposing the action; and
  - (b) Prepare a response to the notice;
- (9) That the employee shall acknowledge receipt of the notice of proposed reprimand as instructed in the notice; and
- (10) That should the employee choose to designate a representative, such designation must be in writing.

### **3 FAM 4344 EMPLOYEE'S RESPONSE**

*(TL:PER-486; 10-28-2003)*

*(Uniform State/USAID/BBG/Foreign Service Corps, USDA/Commerce)*

*(Applies to Foreign Service Only)*

a. An employee whose official duty station is outside of the United States has 30 days from receipt of the proposal to reprimand, to respond in writing and/or orally to the deciding official.

b. An employee in the United States has 15 days from receipt of the proposal to reprimand to respond in writing and/or orally to the deciding official.

c. The employee may submit a written request for an extension of the response deadline. The deciding official will approve the request if it is reasonable.

### **3 FAM 4345 ACTION BY THE DECIDING OFFICIAL**

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*(Uniform State/USAID/BBG/Foreign Service Corps, USDA/Commerce)*

*(Applies to Foreign Service Only)*

a. After reviewing the proposal to reprimand and the employee's response, if any, the deciding official will decide to:

- (1) Withdraw the charges and close the case; or
- (2) Admonish the employee; or
- (3) Reprimand the employee.

b. The deciding official will notify the employee, in writing, of the decision. If the decision is to reprimand, the letter of reprimand shall:

(1) Identify the specific charges in the notice of proposed reprimand that have been sustained;

(2) Advise the employee that the record copy of the letter of reprimand will be made a part of the employee's Official Performance File for a specific time period, which will be no less than 12 and no more than 24 months, subject to the conditions in 3 FAM 4345, paragraph d e; and

(3) Make specific reference to the employee's right to file a grievance under Chapter 11 of the Act and 3 FAM 4400.

c. The disposition of records relating to a reprimand will be as follows:

(1) The deciding official will forward:

(a) The record copy of the decision letter for inclusion in the Official Performance File; and

(b) The record on which the decision was based to:

Agency	Office
State	Director, Office of Employee Relations (HR/ER),
USAID	Chief, Personnel Operations Division (M/HR/POD), Chief, Executive Management Staff (M/ER/EM) or Chief, Personnel Services Division (IG/M/PS)
BBG	Director of Personnel (M/P)
Agriculture	Foreign Agriculture Service – Director, Human Resources Division, Farm Service Agency APHIS – Resource Management Staff, IS
Commerce	Human Resources Manager, Office of Foreign Service Human Resources

(2) The decision letter will not be placed in the employee's Official Performance File until 30 days from the receipt of the decision letter by the employee.

d. A letter of reprimand will remain in an employee's file for a period of one year, or until the letter has been reviewed by one promotion or commissioning and tenure board, except that when a performance file is reviewed in the same cycle by more than one board (i.e., multifunctional and conal review), the letter shall be reviewed by all applicable boards.

e. The employee is advised to review his or her Official Personnel File in order to ensure timely removal of the decision letter.

### **3 FAM 4346 THROUGH 4349 UNASSIGNED**