

3 FAM 4500 CIVIL SERVICE DISCIPLINARY AND ADVERSE ACTIONS

3 FAM 4510 GENERAL INFORMATION

(TL:PER-410; 08-02-2001)

3 FAM 4511 LEGAL AUTHORITY

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

The following authorities are cited:

(1) 22 U.S.C. 2651a(a)(3)(A).

(2) Title 5 U.S.C. 75, Chapter 75, Subchapter I, as amended and 5 CFR, Part 752, Chapter 75, Subchapter I, cover suspensions for 14 calendar days or less for such cause as will promote the efficiency of the service.

(3) Title 5 U.S.C. 75, Chapter 75, Subchapter II, as amended and 5 CFR, Part 752, Chapter 75, Subchapter II, cover suspensions for more than 14 calendar days, removal, reduction in grade or pay, furloughs without pay for 30 calendar days or less for such cause as will promote the efficiency of the service.

3 FAM 4512 DEFINITIONS

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

The following definitions apply.

(1) **Adverse action**—See 5 CFR 752.201 and 5 CFR 752.401. Generally, “adverse action” includes a suspension, a removal, and a reduction in grade, a reduction in pay or a furlough of 30 days or less.

(2) **Suspension**—The placing of an employee, for disciplinary reasons, in a temporary status without duties or pay.

3 FAM 4513 ORAL AND WRITTEN ADMONISHMENTS (LETTERS OF WARNING)

*(TL:PER-410; 08-02-2001)
(State Only)
(Applies to Civil Service Employees)*

a. An oral and written admonishment (letter of warning) may be used when an employee's conduct is less than acceptable and it is probable that the admonishment will result in improvement. An admonishment is neither grievable nor appealable, as it is not part of a formal disciplinary procedure.

b. An admonishment may be oral or written and may be issued by the employee's supervisor or other appropriate management official who has knowledge of or receives information relating to behavior by the employee that has a negative impact on the operation of the office.

c. If the admonishment is in writing, a copy must be provided to the employee, who may respond in writing to the issuing official. The employee's response, if any, will be attached to the copy of the admonishment, which is retained by the issuing official. Written admonishments will not be filed in the employee's Official Personnel Folder (OPF), but will be maintained by the issuing official under appropriate safeguards for one year and then destroyed.

3 FAM 4514 REPRIMAND

3 FAM 4514.1 General

*(TL:PER-410; 08-02-2001)
(State Only)
(Applies to Civil Service Employees)*

A reprimand is a written rebuke, censure, or registration of disapproval of a specific action or actions by the employee. The letter of reprimand must contain full particulars of the matter for which the employee is being reprimanded. An employee has a right to file a grievance under 3 FAM 4700, or any negotiated grievance-arbitration procedures applicable to the employee, with respect to a reprimand.

3 FAM 4514.2 Issuance of Reprimand

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

a. A reprimand may be issued to an employee by the Director of Employee Relations (HR/ER), a bureau executive director, or a higher level manager. The employee may respond in writing to the issuing official.

b. A copy of the reprimand will be filed in the employee's Official Personnel Folder (OPF) and will stay in the OPF for one or two years depending on the nature of the offense. At the end of the designated time period, the reprimand should be removed from the OPF. The employee should follow up to ensure timely removal of the letter of reprimand from the OPF.

3 FAM 4515 AUTHORIZATION TO PROPOSE AND DECIDE ADVERSE ACTIONS

3 FAM 4515.1 Authority

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

a. *The Director, HR/ER, is authorized to propose an adverse action under these regulations.*

b. *The Deputy Assistant Secretary for Human Resources (DGHR/HR) is authorized to decide an adverse action under these regulations.*

3 FAM 4515.2 Authority to Redelegate

3 FAM 4515.2-1 Redelegation

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

a. *Upon request from an executive director/officer of a bureau, the Director General of the Foreign Service and Director of Human Resources may delegate the authority to propose and decide adverse actions. The authority to propose adverse actions may be delegated to an appropriate official and the authority to decide adverse actions may be delegated to a*

higher level official, but no lower than an executive director. The proposing and deciding official may not be the same person.

b. The deciding official will be responsible for hearing an employee's answer orally or in writing. A written summary of the oral response, if elected, shall be prepared and made a matter of record.

3 FAM 4515.2-2 Advisory Capacity

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

When the authority to propose and decide adverse actions has been delegated by the Director General of the Foreign Service and Director of Human Resources to the bureau level, HR/ER, in consultation with the Office of the Assistant Legal Adviser for Employment Law (L/EMP) will assist and advise the bureaus and offices on adverse action procedures to insure consistency in application and the meeting of regulatory and legal requirements. The concurrence of HR/ER is required on all proposal and decision letters issued to employees under this subchapter.

3 FAM 4515.3 Revocation of Delegations

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

The Director General of the Foreign Service and Director of Human Resources may at any time revoke the delegation of authority to propose and/or decide adverse actions from the executive director/officer of that bureau.

3 FAM 4516 THROUGH 4519 UNASSIGNED