

## DEA Guide for Disciplinary Offenses and Penalties

### Appendix TR 20-05, 4/10/20

The purpose of discipline is to be corrective, not punitive. In furtherance of this goal, it is the policy of the DEA that discipline be administered in a constructive, progressive, and consistent manner. All disciplinary actions must be supported by facts and evidence, the preponderance of which supports the disciplinary action to be taken.

This **Guide to Disciplinary Offenses and Penalties** is intended to provide information and guidance concerning the type of penalty that may result from a particular act of misconduct. Personnel involved in DEA's disciplinary system evaluate each incident on a case-by-case basis; however, and consider a number of factors in determining the appropriateness of a penalty. This Guide is but one factor to be considered. Accordingly, depending upon the circumstances of a particular case, the actual penalty imposed for an act of misconduct may be greater or lesser than that stated in this Guide.

This **Guide** is to be used to assist the Board of Professional Conduct and Division/Office Proposing Officials in proposing the appropriate penalties. It is also to be used by the Deciding Officials in determining the appropriateness of a particular penalty. While this guide does not cover every possible offense, it does cover those offenses that commonly occur within the DEA.

The Guide lists offenses by category for formal disciplinary actions which become a matter of record in the employee's official personnel folder. For each offense, it indicates the range of suggested penalties for a first, second, or subsequent offense. The Guide does not address oral warnings, counseling letters, cautions, etc. as they are forms of pre-disciplinary actions.

F. The Guide is divided into 11 sections:

- I. Attendance Issues
- II. Fiscal Issues
- III. False Statements or Incorrect Official Documents
- IV. Harassment/Discrimination
- V. Law Enforcement Specific Offenses
- VI. Failure to Follow
- VII. Negligent Work
- VIII. Health & Safety Issues
- IX. Security Issues
- X. Supervisory Misconduct
- XI. Conduct Prejudicial to the DEA/DOJ

All management proposals must be reviewed by the HR Employee Relations Office prior to issuance. All proposals for actions that can be appealed must be reviewed by Chief Counsel prior to issuance.

### I. Attendance Issues

Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
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 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 DEA Personnel Manual 2630	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
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		

