Personnel Manual Issuance System

Discipline

dchr
DC Department of Human Resources

District Personnel Instruction No. 16-13

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Overview

The District of Columbia takes a positive approach toward employee management to achieve organizational effectiveness by using a progressive system to address performance and conduct issues. Managers must reliably establish and communicate reasonable performance and conduct standards that serve the public trust. Each employee has the responsibility to perform his or her duties to the best of his or her ability and to those standards established by management. When an employee fails or refuses to meet applicable standards, management has an obligation to take appropriate action, to ensure governmental integrity.

This instruction outlines general procedures for progressively addressing employees who fall short of performance and conduct standards.

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Reasonable, Fair, and Consistent

As with any organization, the District government operates with required standards of behavior, conduct and performance. While many standards are written, such as the D.C. personnel regulations and agency-level policies, there are general standards of behavior that are implied in any employer/employee relationship. When these standards are not adhered to, corrective action must be taken.

It is important that the disciplinary process is viewed as a means by which employees are helped and encouraged to achieve and maintain the required standards of conduct and behavior. Chapter 16 of the D.C. personnel regulations, Corrective and Adverse Actions; Enforced Leave; and Grievances, and this instruction help ensure – for the benefit of both the District government as an employer and its employees - that any shortfalls in an employee's conduct are dealt with effectively and in a reasonable, fair, and consistent manner.

In summary, "reasonable" and "fair" means:

- Managers should raise and deal with issues promptly and should not unreasonably delay meetings, decisions, or confirmation of those decisions;
- Managers should act consistently;
- Managers should carry out any necessary investigations to establish the facts of the case before any decisions are made;
- Managers should inform employees of the basis of the problem and give them an opportunity to offer an explanation and to put their version of the facts forward before any decisions are made;
- Managers should allow employees to be accompanied at any formal disciplinary meeting by a union representative or other representative of their choice; and
- Managers should allow an employee to appeal any formal disciplinary decision made under the proper disciplinary procedures.

Employee and Employer Responsibilities

Supervisor and Managers

The District government, as the employer, must ensure that employees are aware of applicable standards of conduct and behavior and provide those employees with a reasonable opportunity to fulfil and understand the consequences of not meeting those requirements. These obligations are typically met through documents issued by the personnel authority (typically the D.C. Department of Human Resources (DCHR)), the employing agency, and applicable labor agreements, which advise employees about District

and agency rules, procedures and standards, and through managers advising and reminding employees of these rules, procedures and standards.

In particular, managers should:

- Ensure that employees are aware of any rules, procedures and standards applicable to their role and function, and understand what is required of them;
- When necessary, provide guidance and training to employees to enable them to meet these standards; and
- Ensure that employees are aware of the consequences of not complying with these rules, procedures and standards.

Employees

There are general standards of conduct which are implicit in any employment contract and, therefore, form contractual expectations which the District government can expect of its employees. In particular, employees are expected to:

- Act in a manner congruent with the interests and standards of the District of Columbia government, both at work and outside of work;
- Devote their full attention while at work to the duties of their position;
- Act with responsibility, judgment and good faith when exercising the duties of their position;
- Carry out any reasonable instruction given by District officer, manager or supervisor relating to those duties; and
- Never, under any circumstances, divulge to any unauthorized person, or make personal use of, confidential information connected with the District of Columbia, its employees, residents, businesses or visitors.

In addition to the above implied rules, all employees are expected to comply with published District policies, procedures and standards, including, but not limited to, the D.C. Municipal Regulations, District Personnel Manual, the Ethical Code of Conduct, and policies published by the employing agency.

Gathering the Facts

Before a supervisor can take any action, he or she must obtain all the relevant facts. A "fact" is a thing that is indisputable.

Evidence

For each "fact" supporting an allegation of misconduct, the supervisor must have corresponding evidence proving that fact. Sources of fact include:

- Documents (both physical and electronic);
- Tangible objects; or
- Witness statements.

Witness Statements: *Whenever your "facts" are proven by the statements of others, it is strongly advisable to secure a witness statement. This could be in the form a written witness statement, an e-mail, or affidavit.*

Employees have multiple avenues of appeal, particularly in actions involving lengthy suspensions or removal. Often, witnesses become unavailable at later stages of litigation, and written statements are indispensable.

Employment History

In addition to evidence that may support a specific allegation of misconduct, supervisors must also gather evidence that supports the appropriate corrective response. This evidence includes, but is not limited to:

- Employment and work history (i.e., official personnel folder, performance evaluations);
- Agency personnel file (including notifications of policies and procedures);
- Position description;
- Disciplinary record; and/or
- Past discipline imposed by the agency for similar conduct.

Progressive Discipline

Once all the facts are known, the supervisor is in a position to ascertain the most appropriate corrective response. For minor concerns, an informal and collaborative approach may be the best response (see the next section, *Informal Resolution*.) For repeated conduct and more serious breaches of conduct standards, the supervisor must apply the factors set forth at § 1606.2 of the regulations (see also, *Establishing the Appropriate Agency Action*, DPM Inst. 16-17.)

When an employee's conduct fails to meet expectations and informal resolution is not appropriate, the factors established at § 1606.2 of the regulations shall be applied so as to

give effect to the District government's progressive disciplinary system. Generally, the progressive disciplinary system includes the following steps:

1. Verbal counseling;
2. Reprimand;
3. Corrective action; and
4. Adverse action.

While the District employs a progressive disciplinary process, strict adherence to the progressive steps will not always be appropriate. The resulting agency action will be dictated by applying the factors outlined at § 1606.2 of the regulations, which may produce an action that skips one or more of the progressive discipline steps.

For example, if an employee gets into a physical fight with a customer and, without justification, seriously injuries the customer, corrective or adverse action might be the appropriate first response, even if the employee has no disciplinary history.

Informal Resolution

Many potential disciplinary issues can be resolved by the manager or supervisor intervening at an early stage as part of their normal day-to-day responsibilities. In many instances, good management should prevent recourse to formal procedures. The probation process is particularly important for communicating standards of conduct and performance.

In cases of minor breaches of discipline (e.g. lateness for work, careless mistakes, lack of attention to detail/instructions/procedures), the immediate supervisor should discuss these concerns with the employee to ensure that the employee is:

- Aware of the concerns;
- Knows what is required to meet expected standards of conduct;
- Made aware of the timescale over which an improvement is required; and
- Made aware of the consequences of not achieving the required standard.

This is not a stage in the formal progressive disciplinary process. It is part of the standard day-to-day relationship between managers and the people they manage. However, in certain circumstances, it will be necessary for the discussion and outcome to be confirmed in writing as it may become necessary to pursue the issue through the formal process if there is a re-occurrence or a failure to improve to the required standard.

Preparation

Before speaking to the employee, the manager should consider the following points:

- What are the facts, what is the evidence?
- What are the standards expected? Are these standards clear?
- Are there any factors you are aware of which may be relevant (e.g., health, domestic difficulties, lack of training or supervision)?
- How can the issue be corrected, what should be done differently in the future?
- Remember that the objective is to improve conduct to the required standard.

Outcome

Ideally, the manager should aim to reach an agreement with the employee on the following points. However, where it is not possible to reach a consensus, the manager should make clear:

- The standards expected;
- Where the employee is currently falling short of these standards (i.e. the gap between current conduct and the standards required);
- The action required to close that gap – what they are going to do, what you are going to do, the timescale for improvement (e.g., what support, training or other advice and guidance will be provided, who is responsible for organizing and providing it and what are the timescales for these interventions);
- Follow up and review;
- Summarize what you have agreed to avoid a misunderstanding; and
- Make a record if necessary – this will be helpful if the employee's conduct does not improve to the standard required.

Next steps

After speaking to the employee, the manager should:

- Continue to monitor the employee's conduct over the agreed upon timescale and provide regular reviews and give feedback;

- Make sure he or she delivers on the agreed-upon action (e.g., training, additional support);

- If the employee's conduct does improve to the standard required, then make a point of telling the employee and encourage the employee to continue to improve his or her conduct;

- If the employee's conduct does not improve to the standard required – i.e., if there is no improvement, or what improvement there has been still falls short of the standard required – then it will be necessary to speak to the employee again; and

- Take advice from DCHR's employee relations team as to whether it is necessary to move forward to the formal disciplinary procedure.

Verbal Counseling

As noted previously, management should initially attempt to correct minor lapses in conduct and performance through informal means. However, when such corrective steps are not successful, or for more serious conduct concerns, the first step in the formal disciplinary process is verbal counseling.

> ***Performance Issues.*** *Performance concerns are addressed through Chapter 14 of the District Personnel Manual. This instruction focuses primarily on misconduct issues.*

Preparation

When counseling the employee is deemed appropriate to the circumstances, the manager should first:

- Gather and assess the relevant facts;

- Schedule an uninterrupted period of time with the employee and his or her union representative (if any); and

- Review and be aware of the relevant facts, conduct standards, and plan for improving the employee's behavior.

Counseling Session

At the counseling session, the manager must:

1. Articulate the relevant conduct standard(s);
2. Explain how the employee has failed to meet those standards;
3. Explain management's conduct expectations; and

4. Explain the potential consequences if those expectations are not met prospectively.

Follow-up

Within 5 days after the counseling session, the manager must memorialize the conversation in writing. This may be done through a letter or e-mail. The correspondence shall establish the date, time, and content of all verbal counseling. Managers shall retain a copy of the correspondence for a period of no less than two years, but it shall not be made a part of the OPF. (See Attachment 1, *Sample Verbal Counseling Follow-up*.)

VERBAL COUNSELING AT A GLANCE
✓ Fully investigate the facts of the situation
✓ Schedule an uninterrupted time with the employee and his/her representative
✓ Discuss what happened, the standards, expectations, and potential consequences
✓ Within 5 days follow-up and restate the verbal counseling in writing
✓ Maintain a copy of the written correspondence for two years (not in OPF)

Formal Actions

Formal disciplinary actions include corrective and adverse actions. A corrective action is a reprimand, reassignment, or suspension of less than 10 workdays. An adverse action is a reduction in grade, suspension of 10 or more workdays, or removal.

Proposing Official

Formal actions are initiated by a "proposing official." A proposing official can be any management official superior to the employee. A proposing official can also be any management official designated by the DCHR. (If an agency needs a proposing official to be designated by DCHR, the agency should contact DCHR's employee relations team.)

Deciding Official

Formal actions are completed by a "deciding official," who reviews the proposed action, a response from the employee and any recommendations from an administrative review officer. The deciding official is the agency head or a management official designated by the agency head, who did not already serve as the proposing official.

Proposing and Deciding Officials in small agencies. *In most cases, the proposing and deciding official cannot be the same person. However, in some agencies, with small staffs, the overlap may be unavoidable and is technically permitted. However, in those cases, it is advisable to include another entity in the final decision (such as a Deputy Mayor, the City Administrator or the Director of the Department of Human Resources.)*

Reprimands

A reprimand is a written document issued by an employee's supervisor that identifies a specific conduct fault by an employee. A reprimand should be considered when counseling has failed, or when verbal counseling is an inadequate disciplinary response to address the conduct

The Written Reprimand

The proposing official should gather all the supporting evidence and draft the reprimand against the employee. The reprimand should include:

1. A short narrative concerning the factual circumstances warranting the reprimand;
2. A description of the conduct standards at issue and how these standards were not met;
3. A brief narrative on how the employee should conduct himself or herself prospectively to alleviate the conduct fault;
4. The potential consequences if the conduct requirements are not met;
5. A notice informing the employee that he or she may submit a written response to the reprimand; and
6. Notification to the employee of his or her right to grieve the final decision pursuant Chapter 16 of the regulations.

As a best practice, the reprimand should be reviewed by agency counsel and approved by the agency head (or his or her designee). A sample reprimand appears at *Attachment 2*.

Service

The reprimand must be served on the employee. This is best achieved in person as follows:

1. Schedule a meeting time during an uninterrupted period of time with the employee and his or her representative (if any).
2. At the meeting, discuss the conduct standards expected, how they were not met, what is expected in the future, and the potential consequences for failing to meet expectations.
3. Explain the need to issue a formal reprimand, what a reprimand is, and the employee's right to submit a response, and, if he or she chooses, a right to file a grievance.
4. Serve the reprimand on the employee.

Employee Response

The employee who is served the reprimand has a right to submit a written response within 10 days of receipt. The response must be delivered to the supervisor issuing the reprimand.

Based on the written response, the supervisor may sustain, modify, or rescind the reprimand. (Note: if the supervisor takes no action, the reprimand is automatically sustained.) In the event the supervisor modifies the reprimand, the revised reprimand must be served on the employee and he or she will have a new 10 days to submit a revised response.

Record Keeping

A reprimand becomes final upon the filing of the employee's response or the expiration of the time for the employee to file a response. A copy of the final reprimand must be filed in the Official Personnel Folder (OPF) and may be considered in future disciplinary matters for up to 3 years.

REPRIMANDS AT A GLANCE
✓ Fully investigate the facts of the situation
✓ Draft the written reprimand
✓ Schedule an uninterrupted time with the employee and his/her representative
✓ Discuss what happened, the standards, expectations, and potential consequences
✓ Explain the reprimand process to the employee and serve the reprimand
✓ The employee has 10 days to file a written response; consider any response and, if appropriate, modify or rescind the reprimand
✓ File a sustained reprimand and any response in the OPF for up to three 3 years

Suspensions (Less than 10 Days)

Corrective action includes suspensions of less than 10 workdays. Suspensions are appropriate when counseling and reprimands have failed to correct breaches of conduct standards, and as otherwise indicated by application of the factors set forth at § 1606.2 of the regulations.

When a suspension of less than 10 days is to be imposed, the process includes:

1. Notice of the proposed corrective action being served on the employee;
2. Affording the employee an opportunity to respond to the proposed action;
3. Final notice of the corrective action being imposed; and
4. An opportunity to grieve the final action.

Notice of Proposed Action

The proposing official should gather all the supporting evidence and draft the proposed suspension against the employee. (See *Attachment 3, Sample Notice of Proposed Suspension.*) The notice should be a relatively short document (2-3 pages in length) that includes:

1. A concise statement of the action being taken (a suspension of less than 10 work days), the general reason for the action and the proposed effective date of the suspension;
2. Enumerated independent cause(s) for which the suspensions are being proposed;
3. For each independent cause, a specific proposed action (supported by a Proposing Official's Rationale worksheet, see *Attachment 4*.)
4. An explanation of the employee's rights, including the right to review supporting materials, submit a written response, be represented, and the name and contact information of the deciding official.

Notice of Proposed Action. *As a best practice, a notice of proposed action should be reviewed by agency counsel.*

Service

The proposed action must be served on the employee. This is best achieved in person as follows:

1. Schedule a meeting time during an uninterrupted period of time with the employee and his or her representative (if any).
2. At the meeting, discuss the conduct standards expected, how they were not met, what is expected in the future, and the potential consequences for failing to meet expectations.
3. Explain the need to take corrective action, the suspension being proposed, and the employee's rights.
4. Serve the proposed action on the employee.

Employee Response

The employee who is served a proposed corrective action has a right to submit a written response within 5 workdays of receipt. The response must be delivered to the proposing official.

Final Decision

Within 45 days of the employee's written response (or the expiration of the employee's time to respond), the deciding official must serve a final decision on the proposed suspension. Service of the final decision must be done in person or by courier to the employee's address of record (with delivery confirmation.)

The final decision must be based on the proposed action and the employee's written response (if any.) (See *Attachment 6*, *Sample Final Decision – Suspension [of less than 10 workdays]*.) The final decision must:

1. Provide a concise summary of the action(s) being taken and the effective date of the action(s);
2. Succinctly enumerate each independent cause for which the corrective action is being taken; specifications shall not be used in any final written decision;
3. Provide for an independent suspension (or other corrective action) for each enumerated cause;
4. Demonstrate reasoned consideration of the relevant factors set forth in 6B DCMR § 1606.2 for each independent action; and
5. Articulate the employee's grievance rights.

Final Decisions. *Final decisions should be fairly similar to the proposed action and may rely upon the factor analysis worksheets used at the proposing phase.*

Record Keeping

A suspension of less than 10 workdays becomes final upon service of the final decision on the employee. A copy of the final decision, including any attachments and the proposed suspension (if incorporated), must be filed in the OPF and may be considered in future disciplinary matters for up to three years.

SUSPENSIONS (LESS THAN 10 DAYS) AT A GLANCE
✓ Fully investigate the facts of the situation
✓ Draft the written proposed suspension notice
✓ Schedule an uninterrupted time with the employee and his/her representative
✓ Discuss what happened, the standards, expectations, and potential consequences
✓ Explain the suspension process to the employee and serve the proposed action
✓ The employee has 5 days to file a written response; consider any response and, if appropriate, modify or rescind the proposed suspension
✓ File a final suspension along with any referenced documents in the OPF for up to 3 years

Adverse Actions

An adverse action is a suspension of ten (10) or more workdays, a reduction in grade, or removal. Whenever a corrective action fails to improve a conduct problem, a performance improvement plan has failed to improve performance, or in the case when an employee cannot carry out an essential duty of his or her employment, adverse action may be warranted.

When an adverse action is to be taken, the process includes:

1. Notice of the proposed adverse action being served on the employee;
2. For proposed removal actions, assignment and notice of the proposed adverse action to an administrative review officer;
3. Affording the employee an opportunity to respond to the proposed action;
4. Final notice of the adverse action being imposed; and
5. An opportunity to grieve or appeal the final action.

Notice of Proposed Action

The proposing official should gather all the supporting evidence and draft the proposed adverse against the employee. (See *Attachment 6, Sample Notice of Proposed [Adverse Action].*) The notice should be a relatively short document (2-3 pages in length) that includes:

1. A concise statement of the action being taken (a suspension of less than 10 work days), the general reason for the action and the proposed effective date of the suspension;
2. Enumerated independent cause(s) for which the suspensions are being proposed;
3. For each independent cause, a specific proposed action (supported by a factors analysis worksheet, see *Attachment 5*.); and
4. An explanation of the employee's rights, including the right to review supporting materials, submit a written response (to an administrative review officer for removals), be represented, and the name and contact information of the deciding official (or, in the case of a removals, the administrative review officer).

Notice of Adverse Action. *As a best practice, a notice of adverse action should be reviewed by agency counsel.*

Service

The proposed adverse action must be served on the employee no less than 15 days prior to the effective date of the proposed action. This is best achieved in person as follows:

1. Schedule a meeting time during an uninterrupted period of time with the employee and his or her representative (if any).
2. At the meeting, discuss the conduct standards expected, how they were not met, and, except in the case of removal, what is expected in the future and the potential consequences for failing to meet expectations.
3. Explain the need to take the adverse action, the action being proposed, and the employee's rights.

4. If the employee will be placed on administrative leave, explain the administrative leave process and collect any government property in his or her possession.
5. Serve the proposed action on the employee.

Assignment of Administrative Review Officers

When an agency proposes removal, the District must provide for an impartial review by an administrative review officer.

Selecting the Review Officer

The agency should assign the individual who will serve as the administrative review officer. However, if needed, an agency may contact DCHR's employee relations team for assistance in identifying a suitable officer. Administrative review officers must meet the following criteria:

1. Be at grade CS-13 or above, or its equivalent;
2. Be a licensed attorney, if available;
3. Not be in the supervisory chain of command between the proposing and deciding official; and
4. Have no direct knowledge of the matter under consideration.

Notifying the Review Officer

Once a review officer has been selected, a complete record along with a cover memo should be submitted to the individual for his or her consideration. The complete record includes the entirety of the notice of proposed adverse action, along with any referenced documents or evidence, and proof of service of the proposed notice on the employee.

Employee Response

The employee who is served a proposed adverse action has a right to submit a written response within 10 workdays of receipt. For proposed removals, the written response must be provided to the assigned administrative review officer. Otherwise, the written response must be served on the deciding official.

Final Decision

Within 45 days of the employee's written response (or the expiration of the employee's time to respond), or, in the case of removal, receipt of the administrative review officer's report, the deciding official must serve a final decision on the proposed adverse action. Service of the final decision must be done in person or by courier to the employee's address of record (with delivery confirmation.)

The final decision must be based on the proposed action and the employee's written response (if any.) (See *Attachment 7*, *Sample Final Decision – [Adverse Action]*.) The final decision must:

1. Provide a concise summary of the action(s) being taken and the effective date of the action(s);
2. Succinctly enumerate each independent cause for which the corrective action is being taken; specifications shall not be used in any final written decision;
3. Provide for an independent suspension (or other corrective action) for each enumerated cause;
4. Demonstrate reasoned consideration of the relevant factors set forth in § 1606.2 of the regulations for each independent action; and
5. Articulate the employee's appeal and grievance rights, if any.

Final Decisions. *Final decisions should be fairly similar to the proposed action and may rely upon the factor analysis worksheets used at the proposing phase.*

Record Keeping

An adverse action becomes final upon service of the final decision on the employee. A copy of the final decision, including any attachments and the proposed action (if incorporated), must be filed in the OPF and may be considered in future disciplinary matters for up to three years.

ADVERSE ACTIONS AT A GLANCE
✓ Fully investigate the facts of the situation
✓ Identify a suitable administrative review officer (for removal cases)
✓ Draft the written proposed adverse action notice
✓ Schedule an uninterrupted time with the employee and his/her representative
✓ Discuss what happened, the standards, and, if appropriate, future expectations and potential consequences
✓ Explain the adverse action to the employee and serve the proposed action
✓ The employee has 10 days to file a written response;
✓ Consider any response and administrative review report and, if appropriate, sustain, modify or rescind the proposed adverse action
✓ Serve the final decision on the employee
✓ File the final decision along with any referenced documents in the OPF for up to 3 years

Legal

Authorities

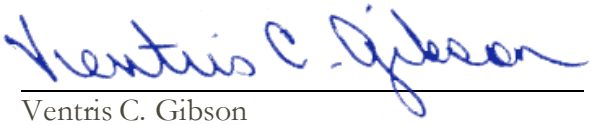
The information provided in this instruction is pursuant to Chapter 16 of the D.C. personnel regulations, *Corrective and Adverse Actions; Enforced Leave; and Grievances*.

Applicability

The information in this instruction is not applicable to employees serving in a probationary period or temporary appointment in the Career Service; employees organized under the Office of the Chief Financial Officer; Attorneys in the Legal or Senior Executive Attorney Services; employees in the Executive Service; employees of the Board of Trustees of the University of the District of Columbia, or employees in the Management Supervisory Service, except as provided in § 1600.3 of the regulations.

Additional Information

For additional information concerning this instruction, please contact the DCHR's Policy and Compliance Administration, by calling (202) 442-9700 or by sending an e-mail to dchr.policy@dc.gov.



Ventris C. Gibson
Director, Department of Human Resources

Attachments

Attachment 1 –
Verbal Counseling Follow-Up

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Human Resources

WE ARE WASHINGTON DC

Policy and Compliance Administration

July 27, 2015

Mr. Vee Hickle
12345 North Dakota AVE NE
Washington DC 20000

Subject: **Time and Attendance – Verbal Counseling**

Dear Mr. Hickle:

As we discussed today, our agency relies on each member of the team to carry out our public mission. Over the course of the past month, we have noticed you reporting for duty at least 10 minutes late, on several occasions. This is not consistent with our time and attendance standards and must be rectified.

Standards
The Department of Human Resources, pursuant to Admin. Or. 2015-01, *Time and Attendance*, requires all agency employees to report to work on time. As specified in the order, "on time" means within 5 minutes of the beginning of your scheduled tour of duty.

Violations
In the past month you failed to report to duty "on time" as defined by the administrative order on several occasions. As you know, your tour of duty begins promptly at 9:00 a.m. each day. However, on June 1 you arrived at 9:15 a.m.; on June 5 you arrived at 9:17 a.m.; and on June 20 you arrived at 9:35 a.m.

Expectations Going Forward
You are to report for duty, each day, no later than 9:00 a.m. If your time and attendance does not improve, we will be required to take stronger action, including suspension without pay.

Sincerely,

Employee Supervisor
Click here to enter title.

441 4th Street NW, Suite 300 South, Washington, DC 20001 | Telephone (202) 442-9700

Attachment 2 – Sample Reprimand

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Human Resources

WE ARE WASHINGTON DC

Policy and Compliance Administration

July 27, 2015

Mr. Vee Hickle
12345 North Dakota AVE NE
Washington DC 20000

Re: Time and Attendance - Reprimand

Dear Mr. Hickle:

As we discussed on June 25, 2015, and again today, our agency relies on each member of the team to carry out government responsibilities. Though we previously discussed attendance expectations, you have continued to report for duty late. Accordingly, this document serves as an official reprimand that will appear in your personnel record.

This reprimand is being proposed for the following reason:

1. On July 1, 4, 9 and 10, you reported for duty at 9:18, 9:35, 9:41, and 9:21 a.m., respectively. (**Unexcused Tardiness**, 6B DCMR § 1605.4(f)(1).)

Standards
The Department of Human Resources, pursuant to Admin. Or. 2015-01, *Time and Attendance*, requires all agency employees to report to work on time. As specified in the order, "on time" means within 5 minutes of the beginning of your scheduled tour of duty.

Expectations
You are to report for duty, each day, no later than 9:00 a.m. If your time and attendance does not improve, we will be required to take stronger action

441 4th Street NW, Suite 300 South, Washington, DC 20001 | Telephone (202) 442-9700

Time and Attendance – Reprimand

Your Rights
You have a right to submit a written response to this reprimand within 10 workdays of receipt, which shall be made part of your record. If you disagree with this action, you may also file a grievance pursuant to 6B DCMR §§ 1626 through 1637, or, if you belong to a union, through your labor organization.

Sincerely,

SUPERVISING OFFICIAL
Proposing Official

CERTIFICATE OF SERVICE

On [Date], a copy of this reprimand, along with supporting materials contained on an accompanying CD-ROM, on:

[Employee Name]
[Address]
[State City Zip]

[By Hand Delivery] [OR USPS Certified No. ###] [OR FedEx Next Day No. ###]

By: _____
SUPERVISING OFFICIAL
Proposing Official

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Attachment 3 –
Sample Notice of Proposed Suspension
(Less than 10 Days)

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Human Resources

WE ARE WASHINGTON DC

Policy and Compliance Administration

July 24, 2015

Mr. Vee Hickle
100 District Avenue NW
Washington, D.C. 20001

Re: Proposed Suspension (9 Days)

Dear Mr. Hickle:

As discussed today, DDOT is proposing to suspend you without pay for nine days. Following further review, if this determination is made final, you will be suspended August 10 through August 20, 2015.

Disciplinary Cause. This action is being proposed for the following reasons:

1. On July 2, 2015, you assaulted your co-worker, Mr. Marsh Mellow, by approaching him in a menacing manner and suggesting you were armed with a dangerous weapon, in violation of D.C. Code § 22-404. (**On-duty conduct that is a violation of law**, 6B DCMR § 1605.4(a)(3)).

   Proposed Action: ***Suspension for 9 days***

Evidence supporting these charges can be found in the enclosed attachments to this notice.

As a government employee, you hold a position of public trust. Moreover, as a traffic conductor, you are specifically charged with maintaining the peace and order. As explained in the attached Proposing Official Rationale Worksheet, based on the conduct outlined above and consideration of the relevant *Douglas* factors, DDOT is proposing to suspend you from your position. DDOT is compelled to propose this corrective action because your intentional actions undermine the agency's integrity.

Review Process. You have the right to challenge this proposed action and may secure an attorney or other representative, at your own expense. You are encouraged to fully review the accompanying materials supporting this proposed action.

You, or your representative, have the right to submit a written response to [Deciding Official]. With any response, you are encouraged to include affidavits or other documents that you would like considered. Any written response must be received within five (5) workdays from the date noted on the certificate of service.

441 4th Street NW, Suite 300 South, Washington, DC 20001 | Telephone (202) 442-9700

Proposed Suspension (9 Days)

Based on this proposed action notice, supporting documentation and any materials you provide, the [Deciding Official] will issue you a final determination.

Sincerely,

By: _____
SUPERVISING OFFICIAL
Proposing Official

CERTIFICATE OF SERVICE

On [Date], a copy of this notice of proposed suspension, along with supporting materials contained on an accompanying CD-ROM, on:

[Employee Name]
[Address]
[State City Zip]

[By Hand Delivery] [OR USPS Certified No. ###] [OR FedEx Next Day No. ###]

By: _____
SUPERVISING OFFICIAL
Proposing Official

Proposed Suspension (9 Days)

ATTACHMENTS

No.	Date	Title
1	April 2, 2007	*SF-50, Initial Appointment*
2	N.D.	*Position Description*
3	October 23, 2014	*Supervisor's Incident Report*
4	October 25, 2014	*Statement by Ms. Resident*
5	October 28, 2014	*Statement by Mr. Mellow*
6	October 28, 2014	*Statement by Co-Worker1*
7	October 28, 2014	*Statement by Co-Worker2*
8	November 5, 2014	*Rationale Worksheet (Charge 1)*

Attachment 4 –
Proposing Official's Rationale Worksheet

[Begins on Next Page]

PROPOSING OFFICIAL'S RATIONALE WORKSHEET

EMPLOYEE INFORMATION

Employee name	Click here to enter text.	Hire Date	Click here to enter a date.
Job Title	Click here to enter text.	Grade	Click here to enter text.

CHARGE NO. **Choose an item.**

Provide cause here (copied from proposal letter).

INSTRUCTIONS FOR EVALUATING THE *DOUGLAS* FACTORS

As an official proposing corrective or adverse action, you are required to determine the appropriate remedial action by considering the factors outlined in Section 1606.2 of the District Personnel Manual. Your analysis of these factors will be considered part of the official record and, should the employee appeal the final agency decision, you could be asked to testify about your analysis.

Each of the factors should be considered in light of the facts and circumstances presented in the proposed notice and supporting documents.

1. For each factor, you should determine whether the factor is aggravating, mitigating, or has had no impact (is neutral) in the formulation of your decision.
2. Write a brief explanation for each factor you determine to be aggravating or mitigating—particularly with respect to those factors you consider "aggravating."

DEFINITIONS

- AGGRAVATING: to make more severe, intense, serious, worse or grave.
- NEUTRAL: neither a contributing nor detracting factor; applicable
- MITIGATING: to make less severe, intense

DOUGLAS FACTORS

1. Nature and Seriousness of Conduct

Briefly describe the nature and seriousness of the conduct, and its relationship to the employee's duties:

Click here to enter explanation.

This factor is **Choose consideration type.**.

Click here to enter explanation.

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2. Job Level and Employment Type

☒ Employee is a supervisor or manager

☐ Employee holds a position of trust

☐ Conduct involved public contact (e.g. rude to customers)

☐ Conduct directly related to job (e.g. supply clerk stealing supplies)

This factor is **Choose consideration type.**.

Click here to enter explanation.

3. Past Corrective or Adverse Actions (including Reprimands)

List all prior reprimands, corrective actions, and adverse actions you are considering in your analysis. This only includes official actions taken within the **past 3 years**, as reflected in the Official Personnel File. Verbal counseling and other informal records should not be listed in this section.

	Effective Date	Corrective or Adverse Action Effectuated
1	Effective Date	Corrective or Adverse Action Effectuated
2	Effective Date	Corrective or Adverse Action Effectuated

This factor is **Choose consideration type.**.

4. Employees' Work Record

Years with agency	Click to enter number of years	Years with District	Click to enter number of years

Performance Ratings for the last three years:

Rating period:	Click to enter fiscal year	Rating:	Click to enter overall rating
Rating period:	Click to enter fiscal year	Rating:	Click to enter overall rating
Rating period:	Click to enter fiscal year	Rating:	Click to enter overall rating

This factor is **Choose consideration type.**.

5. Confidence in Employee

☐ Conduct impacts employee's ability to do job (e.g. cannot do job while AWOL)

☐ Conduct undermines confidence in employee's ability to do job (e.g. timekeeping submitted fraudulent time for self)

☐ Conduct undermines confidence in employee's ability to uphold agency mission

This factor is **Choose consideration type.**.

Click here to enter explanation.

6. Consistency of Action

☐ No other employee under my supervision have engaged in this conduct

☐ The proposed action is consistent with actions taken against other employees under my supervision for similar conduct

☐ The proposed penalty is NOT consistent with that applied to other employees, but is warranted. **(Explain in detail below)**

This factor is **Choose consideration type.**.

Click here to enter explanation.

7. Consistency with Table of Illustrative Actions

Cause	Click here to enter text.	Offense No.	Click here to enter text.
Table Description	Description from table.	Listed Action	Remedy from table.

This factor is **Choose consideration type.**.

Click here to enter explanation.

8. Impact on Agency Reputation / Notoriety

Did or could the employee's conduct adversely impact on the agency's reputation or undermine the public's confidence in the agency? If so, please explain.

Click here to enter explanation.

This factor is **Choose consideration type.**.

9. Clarity of Notice to Employee of Unacceptable Conduct

Was the employee aware that their actions or behavior were not appropriate? If so, how were they aware (meeting, email, policy issuance, prior counseling, prior discipline)? Additionally, should they have known without being told? If so, why?

Click here to enter explanation.

This factor is **Choose consideration type.**.

10. Potential for Employee's Rehabilitation

How likely is it that the employee will engage in similar conduct in the future? (Did the employee immediately acknowledge their misconduct, or were they evasive? Was the employee remorseful?)

Click here to enter explanation.

This factor is **Choose consideration type.**.

11. Mitigating Circumstances

The employee was:

☐ Under unusual job stress (e.g. contributing to insubordination)

☐ Experiencing personal problems

☐ Provoked (e.g. coworker threatened employee)

☐ Apologetic

☐ Forthright, bringing the conduct to management's attention

This factor is **Choose consideration type.**.

Click here to enter explanation.

12. Adequacy of Alternative Actions

☐ **No lesser action** will deter similar future conduct by the employee

☐ **A lesser action** could deter similar future conduct by the employee

This factor is **Choose consideration type.**.

Click here to enter explanation.

Proposed Action

No.	Cause	Propose Action
Click here to enter text.	Click here to enter text.	**CLICK HERE TO ENTER TEXT.**

By signing this form, you confirm that you reviewed and considered the preceding factors and that you conclude the above proposed action is reasonable and appropriate to the circumstances.

Proposing Official *Date*

Attachment 5 –
Sample Notice of Proposed [Adverse Action]

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Human Resources

WE ARE WASHINGTON DC

Policy and Compliance Administration

July 24, 2015

Mr. Vee Hickle
100 District Avenue NW
Washington, D.C. 20001

Re: Proposed Separation

Dear Mr. Hickle:

As discussed today, DDOT is proposing to terminate your employment as a Parking Enforcement Officer. Following further review, if this determination is made final, your last day with the agency will be [15 days or CBA agreed-upon advance notice period].

Disciplinary Cause. This action is being proposed for the following reasons:

1. On July 1, 2015, while on-duty, you committed the offense of destruction of property by advising and inciting a third-party to damage Ms. Resident's motor vehicle, in violation of D.C. Code §§ 22-303 and 22-1805. (**On-duty conduct that is a violation of law,** 6B DCMR § 1605.4(a)(3).)

   Proposed Action: ***Removal***

2. On July 2, 2015, you assaulted your co-worker, Mr. Marsh Mallow, by approaching him in a menacing manner and suggesting you were armed with a dangerous weapon, in violation of D.C. Code § 22-404. (**On-duty conduct that is a violation of law,** 6B DCMR § 1605.4(a)(3)).

   Proposed Action: ***Suspension for 15 days***

Evidence supporting these charges can be found in the enclosed attachments to this notice.

As a government employee, you hold a position of public trust. Moreover, as a traffic conductor, you are specifically charged with maintaining the peace and order. As explained in the attached Proposing Official Rationale Worksheet, based on the conduct outlined above and consideration of the relevant *Douglas* factors, DDOT is proposing to remove you from your position. DDOT is compelled to propose this adverse action because your intentional actions undermine the agency's integrity.

Administrative Leave. You must immediately surrender any government property in your possession and vacate your duty station. Until a final determination has been made, you will be

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placed on administrative leave and continue to receive full pay and benefits. During this period, you are required to be available by phone during your typical work hours and to follow any instruction given by a supervisor. Unless otherwise directed, you are not permitted to return to your duty location pending this review.

Review Process. You have the right to challenge this proposed action and may secure an attorney or other representative, at your own expense. You are encouraged to fully review the accompanying materials supporting this proposed action.

You, or your representative, have the right to submit a written response to [Hearing Officer, Address, Telephone Phone No.], the designated hearing officer who will review this action. With any response, you are encouraged to include affidavits or other documents that you would like considered. Any written response must be sent to the hearing officer within ten (10) workdays from the date noted on the certificate of service.

Based on the hearing officer's review and recommendation, supporting documentation and any materials you provide, the [Deciding Official] will issue a final determination, which will be sent to your address of record.

Sincerely,

By: _____
SUPERVISING OFFICIAL
Proposing Official

CERTIFICATE OF SERVICE

On [Date], a copy of this notice of proposed removal, along with supporting materials contained on an accompanying CD-ROM, on:

[Employee Name]
[Address]
[State City Zip]

[By Hand Delivery] [OR USPS Certified No. ###] [OR FedEx Next Day No. ###]

By: _____
SUPERVISING OFFICIAL
Proposing Official

Proposed Separation

ATTACHMENTS

No.	Date	Title
1	April 2, 2007	*SF-50, Initial Appointment*
2	October 23, 2014	*Supervisor's Incident Report*
3	October 25, 2014	*Statement by Ms. Resident*
4	October 25, 2014	*Allstate Insurance Estimate*
5	October 25, 2014	*Photos (from Ms. Resident)*
6	October 27, 2014	*Statement by Mr. Biker*
7	October 28, 2014	*Statement by Mr. Mallow*
8	October 28, 2014	*Statement by Co-Worker1*
9	October 28, 2014	*Statement by Co-Worker2*
10	November 5, 2014	*Rationale Worksheet (Charge 1)*
11	November 5, 2014	*Rationale Worksheet (Charge 2)*

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Attachment 6 –
Sample Final Decision – [Adverse Action]

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Human Resources

WE ARE WASHINGTON DC

Policy and Compliance Administration

August 26, 2015

Mr. Vee Hickle
100 District Avenue NW
Washington, D.C. 20001

Re: Final Agency Decision - Separation

Dear Mr. Hickle:

This letter is in reference to the proposed separation notice issued to you on July 24, 2015. After carefully considering the proposed action and the recommendations of the administrative review officer, I conclude that the proposed separation is the appropriate resolution of this matter. Accordingly, your last official day with the District of Columbia government will be September 10, 2015.

Disciplinary Cause. This action is being proposed for the following reasons:

1. On July 1, 2015, while on-duty, you committed the offense of destruction of property by advising and inciting a third-party to damage Ms. Resident's motor vehicle, in violation of D.C. Code §§ 22-303 and 22-1805. (**On-duty conduct that is a violation of law,** 6B DCMR § 1605.3(a)(3).)

   Final Action: ***Removal***

2. On July 2, 2015, you assaulted your co-worker, Mr. Mellow, by approaching him in a menacing manner and suggesting you were armed with a dangerous weapon, in violation of D.C. Code § 22-404. (**On-duty conduct that is a violation of law**, 6B DCMR § 1605.3(a)(3)).

   Final Action: ***Suspension for 15 days***

As a government employee, you hold a position of public trust. Moreover, as a traffic conductor, you are specifically charged with maintaining the peace and order. As explained in the Proposing Official Rationale Worksheet, based on the conduct outlined above and consideration of the relevant *Douglas* factors, DDOT is compelled to terminate your employment because your intentional actions undermine the agency's integrity.

I adopt the evidence, recommendations, rationale and conclusions of the proposing official and administrative review officer. The proposed notice and administrative review report, along with attachments, are incorporated into this final action.

441 4th Street NW, Suite 300 South, Washington, DC 20001 | Telephone (202) 442-9700

Final Agency Decision - Separation

Review Process. You have the right to challenge this proposed action and may secure an attorney or other representative, at your own expense. You may seek review of this action by: (1) filing an appeal with the Office of Employee Appeals; (2) filing a grievance pursuant to DPM Chapter 16; or (3) filing a grievance pursuant to any applicable collective bargaining agreement. You may choose only one method of review.

To seek review with the Office of Employee Appeals (OEA), you must file a Petition for Appeal with OEA within 30 days of the effective date of this action. A copy of the appeals application and OEA rules are included with this decision for your convenience.

If you prefer, you may seek review by filing a grievance with your agency or with the Department of Human Resources. Please refer to DPM §§ 1626 through 1637or contact the Department of Human Resources for more information. A copy of the grievance form is included with this decision.

If you are a member of a union, you may instead elect to file a grievance pursuant to your collective bargaining agreement. For procedural guidance on filing a union grievance, please refer to your labor agreement or contact your union representative.

Administrative Leave. You will be held in an administrative leave status and continue to receive full pay and benefits through the effective date of this action.

Government Property. You must immediately surrender any government property in your possession and vacate your duty station. If you value to return any assigned property, the value of that property will be withheld from any outstanding earnings.

Continuation of Health Insurance. If you are enrolled in an employee health insurance program, your coverage will continue uninterrupted for 30 days after the effective date of this action. You may elect to continue your health benefits beyond the 30 days by submitting a written election. Your written election must be received no later than 60 days from the effective date of this action. A copy of the benefits continuation form is included with this notice.

Exit Interview. For your exit interview, or for additional questions, please contact you your HR specialist, [HR Advisor Name], at [e-mail] or by phone at (202) [phone].

Notwithstanding the circumstances, on behalf of the residents of the District of Columbia, I would like to thank you for your service. I wish you every success in your future endeavors.

Sincerely,

By: _____

Agency Head
Deciding Official

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