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(b) Part B, Items 1, 2, 3, and 22

**EffDte: 04/21/1994 MCRT#: 226 Div: OP Cav: SecClis:

13-10 PROCEDURAL RIGHTS OF PREFERENCE ELIGIBLE EMPLOYEES REGARDING ADVERSE ACTIONS (See MAOP, Part 1, 1-29, 1-30.3, 3-6.1, 8-1.11, 8-1.12.2, 10-6, 10-7, 13-11(2), 13-13, 14-4.1 & 14-4.2.)

(1) A "preference eligible" employee who has completed one year of current continuous service in the same or similar positions within an agency may have certain rights when an adverse action is proposed or taken against the employee. For the purposes of this manual, an "adverse action" involves removal, suspension for more than 14 days, reduction in grade or pay, or a furlough of 30 days or less. Such an action may only be taken for such cause as will promote the efficiency of the service. (See Title 5, United States Code (USC), Sections 7511-7513.) (See MAOP, Part 1, 21-1.)

(2) As a general matter, a preference eligible employee includes an honorably discharged veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized; during the period beginning on April 28, 1952 and ending on July 1, 1955; or for at least 180 days during a period occurring after January 31, 1955 and before October 15, 1976 (with exceptions applying to the National Guard and the Reserves). The term also includes certain disabled veterans. In addition, under certain limited circumstances "preference eligible" can include an unmarried widow/widower of a veteran, the spouse of a disabled veteran, or the mother of a deceased or disabled veteran. It does not include members of the FBI-DEA Senior Executive Service. (See Title 5, USC, Section 2108.)

(3) With respect to adverse actions, the procedural rights of a preference eligible employee who has completed one year of current continuous service are set forth at Title 5, USC, Section 7513. These rights include: (a) at least 30 days' advance written notice stating the specific reasons for the proposed action, unless there is a reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed; (b) a reasonable time of not less than seven days to answer orally and in writing and to furnish affidavits and other documentary evidence; (c) the right to be represented by an attorney or other representative; (d) a written decision which includes the specific reasons for the agency action; (e) the right to appeal the adverse action to the Merit Systems Protection Board (MSPB); and, (f) the right to inspect documents which the agency relied upon in arriving at its decision. As a general matter, appeals to the MSPB by preference eligible employees are to be filed within 30 days after the effective date of the adverse action.

(4) During the period of advance written notice, the employee may be retained on active duty, be placed on administrative leave, be placed on annual leave or leave without pay with the employee's consent, or be suspended without pay if the suspension does not exceed 14 days in length.

(5) Like nonpreference eligible employees, a preference eligible employee who has completed his/her one-year probationary period (see MAOP, Part 1, Section 21) may appeal an adverse action to [the Assistant Director,]Administrative Services]Division, FBIHQ.

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OIG LREQ 02/18/05 PART 12

FBI0000031
5/25/2005

ADUCR018413 p.1

(6) Any necessary notices to preference eligible employees will be handled by FBIHQ.

(7) Upon receiving an employee's reply to the notice of proposed disciplinary action, FBIHQ will consider the reply and advise the employee in writing of the final decision.

(8) A nonpreference eligible employee in an "excepted service" agency such as the FBI is not LEGALLY entitled to the same procedural rights afforded to a preference eligible employee in adverse action cases.

**EffDte: 05/31/2002 MCRT#: 1207 Div: OP Cav: SecClis:

||13-11 | USE OF AN INDEFINITE SUSPENSION IN PERSONNEL MATTERS (See MAOP, Part 1, 1-29.)

(1) Indefinite suspensions are defined by the FBI as the placing of an employee in a temporary status without duties and pay pending investigation, inquiry, or further agency action. The indefinite suspension continues for an indeterminate period of time and ends with the occurrence of the pending conditions set forth in the notice of action which may include the completion of any subsequent administrative action. An indefinite suspension may be imposed when it is determined that an employee's continued presence in the workplace will be injurious to the employee, to co-workers or the public, to the FBI's operations, or to national security interests pending additional investigation into the underlying conduct of the employee. Members of the FBI's Senior Executive Service (SES) are not covered by this policy. Rather, indefinite suspensions involving members of the FBI's SES are governed by the adverse action provisions set forth in the FBI's SES policy.

(2) An indefinite suspension for more than 14 days is considered an adverse action under 5 CFR, 752.401(a)(2). Preference eligible employees are, therefore, afforded statutory entitlements which are set forth in Title 5, USC, Section 7513 and MAOP, Part 1, 13-10.

(3) See MAOP, Part 1, 1-29 for further information concerning the use of an indefinite suspension in matters involving revocation of a security clearance.

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecClis:

||13-11.1 Use of an Indefinite Suspension in Matters Involving Criminal Conduct

(1) Each incident involving suspected criminal conduct will be considered from the viewpoint of whether the employee's continued presence in the workplace is detrimental to the FBI in accomplishing its mission. Each incident involving suspected criminal conduct will be analyzed by the Personnel Officer, FBI, on a case-by-case basis. In some situations involving a misdemeanor, such as some vehicular offenses, the continued presence of the employee in the workplace may not be detrimental and, therefore, indefinite suspension as an administrative action would not be appropriate. Certain criminal conduct such as fraud against the government may form the basis for an indefinite suspension. These examples are not intended

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3/25/2005

b2

to limit the use of an indefinite suspension in matters involving criminal conduct.

(2) Preference eligible employees (e.g., certain veterans) may appeal indefinite suspensions to the Merit Systems Protection Board (MSPB). The MSPB has stated that an agency may take an action to indefinitely suspend an employee if it has reasonable cause to believe that a crime has been committed for which a sentence of imprisonment may be imposed. The reasonable cause may be established, for example, by an indictment or through a judicial determination of probable cause. The arrest of an employee may not be sufficient to establish reasonable cause as required by the MSPB absent additional facts to justify the suspension. Nonpreference eligible FBI employees do not have the right to appeal an indefinite suspension to the MSPB.

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCls:

||13-11.2 Final Authority for Approval of Indefinite Suspensions

All indefinite suspensions will be reviewed and approved by the Personnel Officer, FBI, Personnel Division, FBIHQ.]

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCls:

||13-11.3 Removal From Indefinite Suspension

An indefinite suspension will be terminated upon completion of the FBI's inquiry and decision concerning the status of the employee (i.e., a decision to fully or partially allow the employee to return to the work place or to terminate employment with the FBI.)

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCls:

||13-11.4 Back Pay Matters

An employee is NOT entitled to back pay for the period of the suspension.]

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCls:

|||13-12] RESIGNATION TENDERED DURING PERSONNEL ACTION INQUIRY (FORMERLY 13-11) (See MAOP, Part 1, 17-1.1.)

(1) It may be that an employee would rather submit his/her resignation than see the inquiry continue and face possible charges. Division heads, SACs and other supervisory employees may, upon conclusion of their findings, discuss with the employee what the intended recommendation to FBIHQ will be with respect to administrative action, being careful to point out at the same time that any formal action or charges will be made at FBIHQ. Accordingly, it is permissible to discuss the possibility of resignation with the employee.

FBI024239CBT

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5/25/2005

Duress, deception, intimidation or anything similar will not be tolerated and must not be used to influence employee's decision nor may employee be denied adequate time, if requested, to make a decision between resigning or seeing the inquiry continued. Employee should be advised of the Bureau's procedures for employee discipline and that these procedures allow an employee the opportunity to rebut negative allegations and recommendations of his/her supervisors. Employee should also be advised that a voluntary resignation might preclude him/her from receiving unemployment compensation he/she may otherwise be entitled to.

(2) Should an employee involved in allegations submit his or her resignation from the Bureau's service, such resignation should be received and forwarded to FBIHQ.

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCls:

13-13 SCHEDULE OF DISCIPLINARY OFFENSES AND PENALTIES FOR FBI EMPLOYEES (FORMERLY 13-12) (See MAOP, Part 1, 1-30.3 and 21-7 (4).)

(1) This schedule is to be used only as a guide in determining appropriate discipline based on the violation of regulations by Bureau employees. This schedule is not all inclusive, and final determination of the appropriate disciplinary action warranted in each case will be made by FBIHQ, except for those matters delegated to SACs and Assistant Directors (see 13-2(4) of this section for details). It should be noted that the decision-making process utilized in determining appropriate action in disciplinary matters is extensive in nature and involves input from every level of management in FBIHQ. In addition, consideration is given to Bureau policy and similar incidents previously resolved, as well as any aggravating or mitigating circumstances of the case in point. In some instances, discussions are held with the Department of Justice and the Office of Personnel Management before a final determination is made. In most instances, penalties for violations of regulations will fall within the range of penalties set forth in this schedule. In aggravated case, a penalty outside the range of penalties may be imposed. For example, supervisors and Bureau officials, because of their responsibility to demonstrate exemplary behavior, may be subject to a greater penalty than is provided in the range of penalties. The purpose of this schedule is not to remove the personnel management decisions made in all disciplinary matters but rather to provide an example and guide which is used at FBIHQ and in the field in connection with decisions made in regard to disciplinary matters.

(2) In regard to suspensions, it is noted that the Civil Service Reform Act (CSRA) of 1978 provides that days of suspension will be computed in terms of calendar days, not days worked. Therefore, recommendations for a period of suspension will only be made in terms of calendar days. A period of suspension will always commence at the close of business, Friday of any given week. For example, recommendation of seven (7) days' suspension, if approved, will result in a forfeiture of five days' pay whereas a recommendation of fourteen (14) days' suspension will result in a forfeiture of ten days' pay. A period of suspension in excess of 14 calendar days is an adverse action as defined in the CSRA of 1978 (see 13-10 of this section for details).

(3) A non-SES employee desiring to appeal any suspension from duty without pay and/or an adverse disciplinary sanction will be

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required to file an appeal stating the grounds relied upon in writing. Only employees who have completed the one-year (two years for Special Agents and forensic examiners) probationary period required by the FBI will be entitled to an appeal. This appeal must be filed within 30 days following notification of the disciplinary action to the employee. The Deputy Assistant Director (DAD), Inspection Division (INSD), will serve as the primary official responsible for the appellate review of disciplinary matters which have involved a non-SES employee's suspension from duty without pay for a period of 14 days or less (called a nonadverse action), unless that disciplinary sanction was issued by the AD, OPR. Whenever the AD, OPR, serves as the deciding official in the suspension of a non-SES employee in a nonadverse action, the AD, INSD, will serve as the deciding appellate official. The decision of the AD or DAD, INSD, in such matters will constitute the final authority within the FBI for appellate review.

When a matter under appeal involves a suspension of more than 14 days, demotion or dismissal of a non-SES employee (called an adverse action), the AD, INSD, will establish a Disciplinary Review Board (DRB) to review the action taken by OPR.

When disciplinary action is taken against SES members or ASACs, the Deputy Director is the action authority. The Director is the final appeal authority for disciplinary actions taken by the Deputy Director. Thereafter, nonpreference eligible FBI employees in the excepted service do NOT have a right to appeal a disciplinary action to the Merit Systems Protection Board (MSPB). A "preference eligible" employee who has completed one year of current continuous service in the same or similar positions in an agency, in addition to being able to appeal a disciplinary action as indicated above, may also appeal an "adverse action" (e.g., removal, suspension for more than 14 days, reduction in grade or pay) to the MSPB. As a general matter, appeals to the MSPB by preference eligible employees are to be filed within 30 days after the effective date of the adverse action. (See MAOP, Part 1, 13-2, 13-10, 14-4.1 and 14-4.2.)

(4) COMPOSITION OF A DISCIPLINARY REVIEW BOARD

(a) A DRB will be composed of three voting members, each of whom is a member of the FBI's Senior Executive Service (SES). After designation as members of a DRB, employees will be instructed to refrain from acquainting themselves with any facts or circumstances involving the subject of the appeal, except to review the record of the case.

(b) The DRB will be chaired by the AD, INSD, whenever the disciplinary sanction was imposed by the AD, OPR. In instances in which the disciplinary action under appeal is decided by the DAD, OPR, at the discretion of the AD, INSD, the Board may be chaired by the DAD, INSD.

(c) A non-SES employee who appeals a suspension of more than 14 days, demotion or dismissal will be permitted to select one member of the DRB from a list of all FBI SES participants except those serving at SES level 6, and those who, due to the nature or geographical location of their assignments, have been determined to pose conflicts with the objective and expeditious character of DRB proceedings. This list will be forwarded by the INSD to the employee's division head, and made available for the employee's review, upon request, by the division head or his/her designee (e.g.,

FBI024241CBT

the Chief Division Counsel), who will then report the employee's selection to the INSD. The third member of the DRB will be selected randomly from the same list. After serving on the DRB, this third member will be removed from the pool of SES participants eligible for random selection (but not employee selection) for DRBs for the remainder of the fiscal year.

(d) An SES member who serves (or last served, in the case of a dismissal) as an employee's rating or reviewing official will not be permitted to serve as a member of a DRB which decides that individual's appeal of an adverse disciplinary sanction.

(e) If, after selection, a member of a DRB feels constrained to disqualify himself/herself, a replacement will be chosen in the same manner the disqualified member was selected.

(5) INSD AND DRB AUTHORITY AND PROCEDURES

(a) INSD, in an appeal from a suspension of 14 days or less, and a DRB, in an appeal of a suspension of more than 14 days, demotion or dismissal, will review the issues presented in writing by the employee. The review will be of the employee's written appeal, any response submitted by OPR, and any documentary record. If the record of a disciplinary action taken under the auspices of OPR is insufficient to decide the merits of an appeal, INSD or the DRB may remand the case to OPR and direct such additional investigation and findings as may be necessary. Nothing shall preclude INSD or a DRB from requiring an oral presentation if considered helpful to a resolution of the appeal.

(b) An appeal of a suspension of 14 days or less will be decided by the designated INSD official. The decision of a DRB in an appeal of a suspension of more than 14 days, demotion or dismissal will be by majority vote.

(c) In exercising appellate authority, INSD and a DRB may independently redetermine the factual findings and/or the penalty imposed. However, in the event that a different disciplinary sanction is determined to be appropriate, that sanction must be consistent with applicable disciplinary precedent.

(d) After reaching a decision in the review of an appeal, INSD or a DRB will document its findings in writing and provide the employee a written decision.

(e) If INSD or a DRB finds that an employee has not received the procedural protections in the disciplinary process to which he/she is entitled, it may retain the matter for decision, e.g., when the matter involves harmless error, may refer the matter back to OPR for corrective action; or may reverse or modify the action of the deciding official.

(f) The decision of INSD or of a DRB concerning the merits of an appeal involving a non-SES employee will constitute the final decision of the FBI concerning the appropriateness of the disciplinary sanction in the matter under appeal.

(g) Decisions by the INSD or a DRB in the appeal of disciplinary sanctions will be implemented no later than 60 calendar days after the appellate decision is rendered in writing.

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OIG-REQ 02/18/05-PART 12

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3/23/2005

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These procedures will not apply to matters involving an appeal of an adverse disciplinary action resulting from an employee's loss of a security clearance.

The expansion of procedural entitlements in the appeal of disciplinary actions will not include the right of appeal to the MSPB. The statutory right to appeal an adverse disciplinary action to the MSPB is preserved for preference eligible employees. Existing policies governing indefinite suspensions, administrative leave actions, fitness for duty determinations and nonadverse actions will not be affected by this expansion of appellate procedures.

[(6)] The following definitions are furnished for information. This schedule does not include discipline required by law or infractions which, in addition to being a violation of Bureau rules and regulations, are also a criminal offense.

(a) Oral reprimand—Employees are advised of deficiency or infraction of regulations and notation made in personnel file relating to the need for the official reprimand.

(b) Commented upon in annual performance rating—In this instance, the infraction warranted more than an oral reprimand but is not considered severe enough for official recognition in the form of a letter of censure. This refers to work-related matters only.

(c) Censure—Official written reprimand.

(d) Censure and probation—Official written reprimand which includes a minimum probationary period of 90 days for Special Agents and 60 days for other employees.

(e) Censure, probation and suspension—Official written reprimand which, in addition to a probationary period, includes a period of time in which the employee is removed from duty without pay.

(f) Demotion—Any reduction in grade or pay.

(g) Removal—Dropped from the rolls of the FBI.

[(7)] The standards by which all employees are held are set forth in greater detail in this manual. For further reference, these standards of conduct can be found in the Department of Justice Order 350-65 captioned "Standards of Conduct," Executive Order 12764, and the ETHICS HANDBOOK which is distributed to all personnel.

[(8)] An employee may be censured when the cause for administrative action is sufficiently aggravated as to require a written reprimand. At the time FBIHQ makes a promotional decision, all relevant information including the cause for a disciplinary matter, including probation, is considered. FBIHQ expects the employee's superior to provide a strong favorable recommendation when the employee has been the subject of disciplinary action within the preceding 12 months. Lack such a recommendation, FBIHQ may determine that a promotion from one GS or Wage level to another should be delayed for a period of up to 60 days for support employees or up to 90 days for Agents. (See MAOP, Part 1, 3-1.2.2(3) & (4).)

SCHEDULE OF DISCIPLINARY OFFENSES AND PENALTIES FOR FBI EMPLOYEES

1. Unexcused or unauthorized absence of 8 hours or less

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Applies to: All Personnel

First Offense - Oral Reprimand to 3-day suspension
Second Offense - Oral Reprimand to 5-day suspension
Third Offense - Oral Reprimand to removal

2. Excessive unauthorized absence (in excess of 8 hours)

Applies to: All Personnel

First Offense - Oral Reprimand to 5-day suspension
Second Offense - Oral Reprimand to 15-day suspension
Third Offense - Oral Reprimand to removal

3. Work deficiencies and/or inattention to duty (See MAOP, Part 1, 8-1.11.)

Applies to: Agent Personnel

First Offense - Oral reprimand to removal
Second Offense - 5-day suspension to removal
Third Offense - 15-day suspension to removal

Applies to: Non-Agent Personnel (Excluding Fingerprint Examiners, Information Services Section, Criminal Justice Information Services Division, for whom standards of production and accuracy, as well as minimum penalties, have been established.)

First Offense - Oral reprimand to removal
Second Offense - 3-day suspension to removal
Third Offense - 5-day suspension to removal

4. Insubordination (See MAOP, Part 1, 8-1.11.)

Applies: All Personnel

First Offense - Censure to removal
Second Offense - 5-day suspension to removal
Third Offense - 15-day suspension to removal

5. Unauthorized possession of, use of, or loss or damage to government property other than motor vehicle or aircraft

Applies to: All Personnel

First Offense - No action to removal
Second Offense - Oral reprimand to removal
Third Offense - Censure to removal

6. ***Unauthorized possession of, use of, loss of or damage to government-owned or -leased motor vehicle or aircraft

Applies to: All personnel

First Offense - Oral reprimand to removal
Second Offense - 3-day suspension to removal
Third Offense - 5-day suspension to removal

***Title 31, U.S. Code, Section 1349(b), provides a minimum of 30 days' suspension for employee who willfully uses or authorizes the use of any government-owned or -leased motor vehicle or aircraft for other than official purposes. (See MAOP, Part 1, 1-3.1.)

FBI024244CBT

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5/25/2005

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7. Traffic violations

Applies to: All personnel

a. Aggravated (all types)

- First Offense - Oral reprimand to removal
- Second Offense - Oral reprimand to removal
- Third Offense - Oral reprimand to removal

b. Driving Under the Influence or While Intoxicated (See MAOP, Part 1, 1-30.3 and 8-1.12.2.)

- First Offense - 30-day suspension to removal
- Second Offense - Removal

8. Illegal use of controlled substance (drugs and marijuana)

Applies to: All personnel

- First Offense - Censure to Removal
- Second Offense - Removal

9. Criminal, dishonest, immoral, infamous or notoriously disgraceful conduct

Applies to: All personnel

- First Offense - Oral reprimand to removal
- Second Offense - 5-day suspension to removal
- Third Offense - 30-day suspension to removal

10. Failure to honor confirmed financial obligations

Applies to: All personnel

- First Offense - Oral reprimand
- Second Offense - Oral reprimand
- Third Offense - Oral reprimand to removal

11. Unauthorized disclosure of information from Bureau records

Applies to: All personnel

- First Offense - Oral reprimand to removal
- Second Offense - Removal

12. Falsification of official documents and/or records

Applies to: All personnel

- First Offense - Oral reprimand to removal
- Second Offense - Removal

13. Availability

Applies to: All personnel

- First Offense - Oral reprimand to removal
- Second Offense - Oral reprimand to removal
- Third Offense - Oral reprimand to removal

FBI024245CBT

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14. Fitness for duty (overweight)

Applies to: Agent Personnel

- First Offense - Oral reprimand
- Second Offense - Oral reprimand to 5-day suspension
- Third Offense - Oral reprimand to 15-day suspension

15. Smoking regulations (See MAOP, Part 2, 2-1.6.)

Applies to: All personnel

- First Offense - Oral reprimand to censure
- Second Offense - Oral reprimand to 5-day suspension
- Third Offense - Oral reprimand to 14-day suspension

16. Security violations for:

Applies to: All personnel

a. Loss of classified/sensitive information

- First Offense - Censure to removal.
- Second Offense - Suspension to removal
- Third Offense - Suspension to removal

b. Mishandling classified/sensitive information by: improper removal, storage (to include unlocked/unsecure safes, vaults, or cabinets), disposal, transporting, reproduction, transmittal, or access.

Applies to: All personnel

- First Offense - Oral reprimand to removal.
- Second Offense - Censure to removal
- Third Offense - Suspension to removal

c. Computers

Applies to: All personnel

Medium Risk

1. Failure to properly label ADP storage media
2. Unauthorized Software
3. Unlicensed Software
4. Nonofficial use of FBI computers
5. Introduction of malicious code

- First Offense - Oral reprimand to removal
- Second Offense - Censure to removal
- Third Offense - Suspension to removal

High Risk

1. Misuse of accessor IDs and passwords

FBI024246CBT

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- 2. Improper maintenance
- 3. Improper equipment and media disposal
- 4. Failure to maintain proper control of FBI microcomputers and ADP storage media
- 5. Unauthorized telecommunications
- 6. Unauthorized access to FBI computers or networks or exceeding authorized codes

First Offense - Censure to removal
 Second Offense - Suspension to removal
 Third Offense - Suspension to removal

d. Routing of "Top Secret" or SCI information by telelift system, mail-mobile, pneumatic tube, U.S. Postal Service, or other commercial mail service

Applies to: All personnel

First Offense - Oral reprimand to removal
 Second Offense - Oral reprimand to removal
 Third Offense - Censure to removal

**EffDte: 07/29/1999 MCRT#: 916 Div: OPD0SY Cav: SecCls:

[13-13.1 | Moved to 13-14.1]

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCls:

[13-13.2 | Moved to 13-14.2]

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCls:

[13-13.3 | Moved to 13-14.3]

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCls:

[13-13.4 | Moved to 13-14.4]

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCls:

[13-13.5 | Moved to 13-14.5]

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCls:

[13-14 DISCIPLINARY PROBATION (FORMERLY 13-13) (See MAOP, Part 1, 1-30.3, 8-1.12.2.)]

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Disciplinary probation is a corrective and/or punitive procedure (which may be imposed with censure and/or suspension when so dictated by the factual situation) to closely monitor an employee's performance with intent to provide counsel and correction during a specified period of time. During the disciplinary probation period, a denial of certain employee benefits may be imposed.

**EffDte: 04/02/1996 MCRT#: 525 Div: OP Cav: SecCIs:

||13-14.1| Purpose of Disciplinary Probation|(Formerly 13-13.1)|

To provide the employee with notice that the particular area of inefficiency, delinquency, or poor judgment, etc., will be afforded close scrutiny for a specified period of time. During the period of disciplinary probation, the employee is expected to make a concerted effort to improve in the deficient area.

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCIs:

||13-14.2| Length of Disciplinary Probation|(Formerly 13-13.2.)|

The length of the disciplinary probation period is flexible and will be determined by the Director or Director's delegated representative. In most cases the original disciplinary probation period will be 90 days for Special Agents and 60 days for support employees.

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCIs:

|||13-14.3| Effects of Disciplinary Probation on Employee |(Formerly 13-13.3)|

During the period of disciplinary probation an employee:

- (1) Will not be promoted from one GS or Wage Board level to another;
- (2) Will not be considered for advancement within the Executive Development and Selection Program of the Bureau;
- (3) Will not be considered for a Personnel Resource List Transfer;
- (4) May have a promotion delayed for a period of time not to exceed the period of disciplinary probation if the action occurred during the preceding 12 months and has not been offset by a strong favorable recommendation for promotion from the employee's superior. The final determination will be made by the Personnel Officer at FBIHQ.

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCIs:

|||13-14.4| Application of Disciplinary Probation |(Formerly 13-13.4.)|

An employee will be placed on disciplinary probation only when the cause for administrative action is work performance related or work-related.

- (1) Work performance considers the technical competence aspect of an employee.

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3/25/2005

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(2) Work-related action involves judgment, common sense, and the impact the cause has on the public's perception of the FBI.

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|||13-14.5| Removal from Disciplinary Probation |(Formerly 13-13.5)|

(1) At the expiration of a disciplinary probation period, the Administrative Summary Unit, Personnel Division, will activate a computer entry into the Bureau's Personnel Management System to remove the employee from probation. No paperwork will be involved on the part of the SAC/AD or FBIHQ for this process to occur. However, should the SAC/AD choose to recommend that an employee remain in a probationary status due to continued deficiency in the area for which the employee was disciplined, the Administrative Summary Unit should be telephonically advised just prior to the end of the period, followed by an appropriate communication detailing the basis for same. It is important that a tickler be set in the respective divisions so this matter can be followed closely.

(2) As a guideline in recommending that an employee in a probationary status be continued in this status, the employee must continue to be deficient in the area for which they had been initially disciplined. If the employee is deficient in another area, this would not be sufficient justification to continue the initial probationary status. If additional problems are identified, the SAC/AD should seriously consider recommending an additional disciplinary action to address the other deficient areas, whether it be performance or conduct related.

**EffDte: 12/01/1994 MCRT#: 353 Div: OP Cav: SecCls:

Top of Page

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5/25/2005