

MS 652 Corrective and Adverse Actions

Effective Date: May 1, 2018

Responsible Office: Office of Human Resources

Supersedes: 03/1/2013; 01/07/13; 05/10/84; MS 606

Issuance Memo

Issuance Memo (01/07/2013)

Issuance Memo (03/01/2013)

Issuance Memo (03/01/2013 – See MS 647)

Issuance Memo (05/01/2018)

1.0 Purpose

The purpose of this Manual Section is to provide information on using disciplinary action as a constructive tool in securing maximum employee contribution to the accomplishment of Peace Corps' mission and to establish standard policies and procedures for administering such disciplinary action in the form of a corrective and/or adverse action.

The issuance of a reprimand, suspension, reduction in grade or status, or removal of an employee for cause, is subject to the policies set forth in this Manual Section.

For performance appraisal system items, see MS 626 *Performance Appraisal System*.

2.0 Authorities

- (a) Sections 4(b) and 7(a) of the Peace Corps Act, as amended, 22 USC 2503(b) and 22 US 2506(a);
- (b) Article 19 of the Negotiated Agreement between the Peace Corps and the Peace Corps Employees Union, AFSCME Local 3548, AFL-CIO.

3.0 Scope

This Manual Section applies to all U.S. Direct Hire employees except:

- (a) Presidential and political appointees;
- (b) Employees in confidential, policy making, policy determining, or policy advocating positions designated as serving at the pleasure of the Peace Corps Director in the SF-50, Notification of Personnel Action;
- (c) Peace Corps Country Directors;

- (d) Employees who hold temporary appointments (appointments of one year or less);
- (e) Employees who are serving in a probationary period;
- (f) Foreign Service National (FSN) employees;
- (g) Personal Services Contractors; and
- (h) Experts and Consultants.

4.0 Definitions

The following defined terms are based on definitions in applicable statutes and regulations:

- (a) **Adverse Action** means an official personnel action, usually taken for disciplinary reasons, which adversely affects an employee and may include such punishments as a written reprimand, suspension for a defined period, reduction in grade or status, or removal.
- (b) **Corrective Action** means an informal action taken by a management official to correct an employee's conduct and may include oral or written counselings or warnings.
- (c) **Counseling** means informal oral or written guidance and/or instructions to correct minor misconduct.
- (d) **Days** means calendar days, unless otherwise specified.
- (e) **Deciding Official** normally means the second line manager, but may be delegated.
- (f) **Managers** means first and second line managers of U.S. Direct Hires.
- (g) **Proposing Official** normally means the first line manager, and Peace Corps Country Directors.
- (h) **Removal** means an involuntary separation from the Federal service initiated by the agency.
- (i) **Reprimand** means a written adverse action for more than minor misconduct and/or repeated lesser misconduct.
- (j) **Suspension** means a temporary, enforced, absence from duty in a non-pay status that may be imposed as a penalty for significant misconduct or repeated less serious misconduct or other reasons pending an inquiry.
- (k) **Warning** means written guidance and/or instructions to correct minor and/or repeated misconduct. Warnings shall indicate that such misconduct may result in more serious disciplinary actions.

5.0 Policy

Peace Corps employees are expected to maintain high standards of conduct, effectiveness, and personal integrity, including but not limited to, those outlined in Manual Section 641 *Standards of Conduct for Peace Corps Employees*, MS 647 *Staff Responsibilities and Conduct*, and IPS 1-17 *Rules of Behavior*. When such standards are not met, it is essential that prompt and just corrective action be taken. The policy of the Peace Corps is to maintain at all times the standards of conduct and efficiency which will promote the best interests of the service. When adverse actions are warranted, they must be initiated promptly with consultation from the Employee and Labor Relations Division, in accordance with the policy herein and the corresponding MS 652 *Corrective and Adverse Actions Procedures*. Any corrective action taken must be based on good cause, be consistent with laws and regulations governing such actions, and be fair and equitable.

In those cases where corrective action becomes necessary, the measures taken should have a constructive effect. Corrective action will be taken for the purpose of correcting and improving the employee's conduct. Where closer supervision, or oral or written counselings or warnings, results in an improvement of the employee's conduct, adverse actions should not be taken. In order for corrective action to be effective, the corrective action measures taken must be timely.

5.1 Corrective Actions

As a general rule, corrective actions are taken by the manager on his or her own initiative in situations of a minor nature involving violation of a rule, policy, standard of conduct, safety practice, or authorized instruction. Such actions may be conducted through an oral or written counseling or warning. The Employee and Labor Relations Division should be consulted as appropriate.

5.2 Adverse Actions

Adverse actions are reserved for more serious misconduct and may include disciplinary actions such as a written reprimand, suspension for a defined period, reduction in grade or status, or removal. (For additional information, see MS 652 *Corrective and Adverse Actions Procedures*.)

5.3 Adverse Actions for Retaliation to a Previous Whistleblowing Activity by another Employee in a Subordinate Position

If the head of an agency employing a supervisor, an administrative law judge, the Merit Systems Protection Board, the Special Counsel, a judge of the United States, or an Inspector General determines that a supervisor is acting in retaliation to a previous whistleblowing activity by another employee in a subordinate position, the agency shall:

- (a) For the first prohibited personnel action committed, propose suspending the supervisor for not less than three days. Additional measures may be taken, including pay or grade reduction that the head of the agency determines appropriate.
- (b) After a second incident of prohibited personnel action, the agency shall propose removing the supervisor.

6.0 Delegation of Authority

6.1 Oral or Written Counselings or Warnings

First line managers of U.S. Direct Hires have the authority to take informal corrective actions, including oral or written counselings or warnings.

6.2 Issuance of Reprimands

First line managers of U.S. Direct Hires are authorized to issue reprimands to their subordinates.

6.3 Suspension or Removal of an Employee for Cause

The authority to propose a suspension or removal for cause is delegated to first line managers of U.S. Direct Hires. Second line managers shall have the authority to make the decision on a proposed suspension or removal of U.S. Direct Hires.

These delegations are from the Director of the Peace Corps, through intervening management levels and in no way limit the authority of higher levels to initiate proposed actions which are within the authority of their subordinates (e.g., an Associate Director may propose corrective action for any employee under his or her chain of command). Further, when an employee reports directly to the Director, the Director shall assume the role of proposing and deciding official.

7.0 Freedom from Reprisal or Interference

It is the Peace Corps policy not to interfere or retaliate against an employee exercising his or her procedural rights to challenge a proposed or appeal a corrective or adverse action. Employees who have received a proposed disciplinary action are free to use the appeal procedure without restraint, interference, coercion, discrimination or reprisal. An employee when acting in an official capacity for Peace Corps must not interfere with or attempt to interfere with another employee exercising his or her rights under the appellate system. No employee acting in an official or unofficial capacity shall take or threaten to take any act of restraint against an employee because he or she has exercised, or plans to exercise, any of his or her rights under this appellate system. An employee's representative is also free from restraint, interference, coercion, discrimination or reprisals for preparing and presenting a case as a representative of an employee in an appellate process.

8.0 The Employee Assistance Program (EAP)

When a supervisor has reason to believe an employee's problems on the job are the result of alcohol or drug abuse, the supervisor is required by law to refer the employee to a specific assistance program prior to effecting corrective or adverse actions. Supervisors are encouraged to make such referrals in cases where the employee is having other types of personal problems. (For additional information, see MS 658 *Peace Corps Employee Assistance Program*.)

9.0 Procedures

Procedures implementing this Manual Section will be developed by the Office of Human Resources and must be approved by the Human Resource Council.

10.0 Effective Date

The effective date is the date of issuance.