

3 FAM 4300 DISCIPLINARY ACTION (INCLUDING SEPARATION FOR CAUSE)

3 FAM 4310 DISCIPLINARY ACTION — GENERAL

*(TL:PER-486; 10-28-2003)
(Office of Origin: HR/ER/CSD)*

3 FAM 4311 COVERAGE

*(TL:PER-486; 10-28-2003)
(Uniform State/USAID/BBG/Foreign Service Corps, USDA/Commerce)
(Applies to Foreign Service Only)*

These regulations apply to employees as defined in 3 FAM 4312 (8) of the:

- (1) Department of State (DOS);
- (2) U.S. Agency for International Development (USAID);
- (3) Broadcasting Board of Governors (BBG);
- (4) Department of Agriculture (USDA); and
- (5) Department of Commerce (DOC).

3 FAM 4312 CHAPTER DEFINITIONS

*(TL:PER-486; 10-28-2003)
(Uniform State/USAID/BBG/Foreign Service Corps, USDA/Commerce)
(Applies to Foreign Service Only)*

a. **Act** – The Foreign Service Act of 1980, as amended, 22 U.S.C. 3901 et seq.

b. **Administrative inquiry** – An inquiry by agency management to gather facts and information relating to an incident or allegation that may serve as grounds for disciplinary action, conducted by agency investigating officials.

- c. **Admonishment** – A warning or caution to an employee.
- d. **Agency** – The DOS, USAID, BBG, the Department of Agriculture, and Department of Commerce or their successor agencies.
- e. **Days** – refer to calendar days
- f. **Deciding Official** – The individual who makes the decision to admonish, reprimand, suspend, or separate for cause.
- g. **Disciplinary Action** – Action against an employee in the form of a reprimand, suspension, or separation for cause.
- h. **Employee** – Any U.S. citizen who is a member of the Senior Foreign Service or who is assigned to a salary class in the Foreign Service schedule, and who is serving under either a career or career candidate appointment, or who is serving under a limited appointment that does not confer career candidate status, but does not include consular agents.
- i. **Head of Agency** – For the DOS, the Secretary of State; for USAID, the Administrator of USAID; for BBG, the Chairman of the International Broadcasting Bureau (IBB); for Agriculture, the Secretary of Agriculture; for Commerce, the Secretary of Commerce.
- j. **Investigating Official** – A management official, an OIG investigator, or security investigator or other comparable officer in the other Foreign Affairs Agencies who is conducting an administrative inquiry.
- k. **Management Official** – A supervisor, human resource officer, management officer, or other management official who has personal knowledge of, or receives information relating to an incident or allegation that may serve as grounds for disciplinary action.
- l. **Office of Security** – For DOS, the Bureau of Diplomatic Security, for USAID, the Office of Security; for BBG, the Office of Security; for Agriculture, Foreign Agriculture Service, Compliance Review Staff; for Commerce, the Deputy Assistant Secretary, Office of Security.
- m. **OIG** – The Office of Inspector General within the Department of State and comparable organizations in the other Foreign Affairs agencies.
- n. **Official Performance File** – The Foreign Service official personnel file which serves as the repository for conduct and performance-related documents for employees.
- o. **Proposing Official** – The management official who proposes a reprimand, suspension, or separation for cause to the deciding official.

p. **Reprimand** – A written official rebuke, censure, or registration of disapproval of a specific action or actions by an employee, in writing.

q. **Separation for Cause** – Separation from the Service for such cause as will promote the efficiency of the Service under Section 610 of the Act (22 U.S.C. 4010)

r. **Service** – The Foreign Service of the United States.

s. **Supervisor** – Any employee who either supervises work or serves as the rating or reviewing official.

t. **Suspension** – Placement of an employee in a temporary non-duty and non-pay status for disciplinary reasons.

3 FAM 4313 LEGAL BASIS FOR ADMONISHMENT AND DISCIPLINARY ACTION

3 FAM 4313.1 Admonishments, Reprimands, and Suspensions

(TL:PER-486; 10-28-2003)

(Uniform State/USAID/BBG/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

a. Section 206 of the Act (22 U.S.C. 3926) and 5 U.S.C. 301 authorize the Secretary of State to prescribe regulations governing the conduct of employees of the Department of State.

b. Section 202 of the Act (22 U.S.C. 3922) authorizes the Administrator of USAID, the Director of the BBG, the Secretary of Agriculture, and the Secretary of Commerce to utilize the Foreign Service personnel system with respect to their respective agencies.

3 FAM 4313.2 Separation for Cause

(TL:PER-486; 10-28-2003)

(Uniform State/USAID/BBG/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

a. Section 610 of the Act (22 U.S.C. 4010) authorizes the Secretary of State to separate any member from the Service for such cause as will promote the efficiency of the Service.

b. Section 202 of the Act (22 U.S.C. 3922) authorizes the Director of BBG, the Administrator of USAID, the Secretary of Agriculture, and the Secretary of Commerce to utilize the Foreign Service personnel system with respect to their respective agencies.

3 FAM 4314 GROUNDS FOR ADMONISHMENTS AND DISCIPLINARY ACTION

(TL:PER-486; 10-28-2003)

(Uniform State/USAID/BBG/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

The following may constitute grounds for an admonishment or disciplinary action under 3 FAM 4300:

- (1) Unsatisfactory performance of duties;
- (2) Insubordination;
- (3) Failure to follow instructions;
- (4) Breach of security regulations or revocation of an employee's security clearance;
- (5) Absence without official leave;
- (6) Prohibited personnel practices and/or any EEO violation or violation of the merit principles stated in section 105 of the Act;
- (7) Any other act or activity, specifically prohibited under 5 CFR Parts 734 (Political Activities for Federal Employees), 735 (Employee Responsibilities and Conduct), or 2635, (Standards of Ethical Conduct for Employees of the Executive Branch);
- (8) Any other act or activity specifically prohibited for employees of State, USAID, or BBG by 3 FAM 4100, in particular, 3 FAM 4138, and for employees of Agriculture and Commerce, by the comparable Department of Agriculture or Department of Commerce regulations;
- (9) Such other cause as will promote the efficiency of the Service; and
- (10) Any misconduct that does not promote the efficiency of the Service during or outside of established work hours.

3 FAM 4315 THROUGH 4319 UNASSIGNED