

650 Nonbargaining Disciplinary, Grievance, and Appeal Procedures

651 Disciplinary and Emergency Procedures

651.1 Scope

Part 651 establishes procedures for:

- a. Disciplinary action against nonprobationary employees who are not subject to the provisions of a collective bargaining agreement; and
- b. Emergency action for conduct that also normally warrants disciplinary action.

651.2 Representation

Subject to prohibitions regarding Executive and Administrative Schedule (EAS)/Craft representation, employees have free choice of representation. Representatives designated by employees, if postal employees and if otherwise in a duty status, are granted a reasonable amount of official time to respond to notices of proposed disciplinary action, to prepare for and represent the employee at a hearing held in accordance with [652.24](#), and/or to represent an employee who has appealed a letter of warning or emergency placement in a nonduty status in accordance with [652.4](#). Employees covered under these provisions may request representation during investigative questioning if the employee has a reasonable belief disciplinary action may ensue.

651.3 Nondisciplinary Corrective Measures

Accountable managers/supervisors are responsible for the direct day-to-day performance management of subordinates. The accountable manager/supervisor monitors subordinates' performance and provides appropriate resources, coaching, and feedback to subordinates. The manager/supervisor is responsible for leading the employee to a higher level of achievement. Performance improvement should be a shared concern and effort between manager and employee. Early dialogue and guidance are critical to achieving positive results and continuance of an effective manager/employee relationship.

651.4 Emergency Placement in Off-Duty Status

An employee may be placed in an off-duty nonpay status immediately, but remains on the rolls when he or she:

- a. Exhibits characteristics of impairment due to alcohol, drugs, or other intoxicant;
- b. Fails to observe safety rules;
- c. Fails to obey a direct order;
- d. Provides reason to be deemed potentially injurious to self or others; or
- e. Disrupts day-to-day postal operations in any other way.

Placement in an off-duty nonpay status is confirmed in writing, stating the reasons and advising the employee that the action is appealable. The employee should be returned to duty after the cause for nonpay status ceases unless individual circumstances warrant otherwise. Use of these emergency procedures does not preclude disciplinary action based on the same conduct.

651.5 Letters of Warning

When warranted by the failure of nondisciplinary corrective measures or by the seriousness of the offense, a letter of warning may be issued. Letters of warning are usually issued by the employee's immediate supervisor. The written warning should contain:

- a. Specific reasons for the letter; and
- b. A statement of applicable appeal rights.

Letters of warning remain in the employee's official personnel folder (OPF) and/or electronic official personnel folder (eOPF) for a period of two calendar years unless otherwise resolved or cited in subsequent disciplinary action.

651.6 Letters of Warning in Lieu of Time–Off Suspensions

651.61 Policy

Letters of warning in lieu of time-off suspensions replace time-off suspensions for nonbargaining employees, except when required otherwise by statute. This policy does not preclude management from placing a nonbargaining employee in an indefinite nonpay, nonduty status when there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed.

651.62 Implementation

Letters of warning in lieu of time–off suspensions may be issued in lieu of either 7–day or 14–day time–off suspension only. Unless required by statute, suspensions of more than 14 days are prohibited except for indefinite suspensions referenced in [651.7](#). Letters of warning in lieu of time–off suspensions are equivalent to time–off suspensions as an element of past discipline and may be cited as such in future disciplinary actions.

651.63 Notice

Normally, the employee's immediate supervisor issues a proposed letter of warning in lieu of time-off suspension, which must state:

- a. Specific and detailed reasons for the letter;
- b. Instructions for responding to it;
- c. Name and title of deciding official;
- d. The right of the employee or representative to review all material relied upon in the action; and
- e. When, where, and from whom the material is available.

651.64 Response

The employee and/or his or her representative may respond to the proposed letter of warning in lieu of time-off suspension in writing and/or in person to the deciding official (management at a higher level of authority than the individual who issued the proposed letter of warning in lieu of time-off suspension) within 10 calendar days of receipt. You must include the name and title of the deciding official in your response.

651.65 Decision

The deciding official, after consideration of the facts of the case and the employee's response, issues a letter of decision after the expiration of the 10–calendar day period for reply, but no later than 30 calendar days following the receipt of the employee's response. The decision letter will advise the employee that he or she may appeal in writing within 15 calendar days of receipt of the letter of decision.

651.66 Retention

Letters of warning in lieu of time–off suspensions remain in the employee's OPF and/or eOPF for two years unless otherwise resolved or cited in subsequent disciplinary action.

651.7 Adverse Actions

651.71 Definition

Adverse actions are defined as discharges, suspensions of more than 14 days, furloughs for 30 days or less, and/or reductions in grade or pay.

651.72 Policy

Adverse action may be taken against an employee:

- a. Because lesser measures have not resulted in the correction of deficiencies in behavior or performance;
- b. Because of the gravity of the offense; or
- c. For nondisciplinary reasons, such as the correction of a position misranking.

651.73 Notice

Normally, the employee's immediate supervisor issues a written notice of proposed adverse action. The Postal Service may substitute as the proposing official another supervisor or manager at the same or higher level as specified herein. Such a substitution may be made by any of the following: the vice president of Labor Relations; area vice president; and area manager, Human Resources. This notice includes:

- a. The action proposed, with specific and detailed reasons;
- b. The instructions for responding to the notice;
- c. A statement of the right of the employee or representative to review all material relied upon in proposing the action, and when and where the material is available for review; and
- d. The name of the official rendering the decision.

The proposal also advises the employee that a reasonable amount of official time is allowed for the preparation and presentation of a reply, if the employee is otherwise in a duty status, and that the proposed action will be effected no sooner than 30 calendar days after the employee receives the notice.

651.74 Response

The employee or representative may respond to the notice of proposed adverse action in writing, in person, or both, to the deciding official or designee identified in the notice. The employee or representative may respond and present evidence, including affidavits, within 10 calendar days from receipt of the notice. The time limits for responding to a proposed adverse action may be extended by the deciding official or designee for reasonable cause.

651.75 Decision

The deciding official, who must be higher in authority than the proposing official, considers the employee's response and gives a written decision, including reasons for the decision, as soon as possible after the employee's time to respond has expired, but no later than 60 calendar days following the receipt of the employee's response. In field installations, the installation head or designee usually makes the decision. In other offices, the decision is made by a branch manager or above. Normally, the deciding official is the supervisor or manager of the employee's immediate supervisor. The Postal Service may substitute as the deciding official another supervisor or manager. Such a substitution may be made by any of the following: the vice president of Labor Relations; area vice president; and area manager, Human Resources. If the decision is to effect the adverse action or to modify it to a lesser penalty, the employee's appeal rights, including Merit Systems Protection Board (MSPB) appeal rights, if applicable, are stated.

651.76 Duty Status

The employee, unless otherwise provided in [651.77](#), remains in a pay status, either on the job or on administrative leave, at the option of the employer, during the notice period. The notice period must be at least 30 calendar days, unless covered by [651.77](#). Discharged or indefinitely suspended employees who appeal remain on the rolls in a nonpay, nonduty status until the disposition of the case through the chosen appeal procedures. Normally, disposition of the case would be a final decision from the MSPB or a Step I decision in an administrative [650](#) appeal. In cases where the MSPB has mitigated an adverse action in an initial decision and the Postal Service files an appeal, the employee's status will be handled in accordance with MSPB regulations regarding interim relief.

651.77 Exceptions to Thirty-Day Notice

When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment may be imposed, the advance notice before effecting the adverse action may be reduced to no less than 7 calendar days. At the expiration of the reduced notice period, the decision is issued at once. If the decision is to suspend the employee indefinitely, the individual remains on the rolls in a nonpay, nonduty status pending a final decision or until the suspension is otherwise terminated. If the decision is to remove the employee, the individual remains on the rolls only if a timely appeal is filed.