



U.S. AIR FORCE



Human Resources Program Management Branch

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PROGRAM JOB AID

HR-19

ISSUE DATE: 2 Jun 17

DISCIPLINARY ACTIONS – PREPARING DISCIPLINARY ACTION MEMORANDUMS

TRAINING OBJECTIVE: This job aid was developed to provide the Nonappropriated Fund Human Resources specialists a collection of standardized memo templates to effect disciplinary actions. These templates include the required regulatory information.

POINT OF CONTACT: For further information/guidance, contact:

HQ AFSVA/SVXHR
2261 Hughes Ave, Ste. 156
JBSA Lackland AFB TX 78236-9852
DSN 969-7262/7263/7264

1. REFERENCE: AFMAN 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*, Chapters 8 and 9 at: http://static.e-publishing.af.mil/production/1/af_a1/publication/afman34-310/afman34-310.pdf

2. GENERAL:

a. Before deciding on an appropriate penalty, management has the burden of showing reasonableness of the remedy by demonstrating that appropriate consideration was given to each of the applicable 12 Douglas Factors, a non-exclusive list of requirements that should be considered in a penalty decision. See Program Job Aid HR-18, *Disciplinary Actions – Using the Douglas Factors*, for additional information regarding selecting the appropriate penalty.

b. A disciplinary action is an action taken by management to correct and rehabilitate an employee's delinquency or misconduct. In order to meet the standard for taking an action, managers and supervisors must:

- Clearly specify the charges or reasons upon which the action is based.
- Be able to prove the specific charges or reasons which form the basis for the action by a preponderance of the evidence.
- Be able to show the connection or “nexus” between the charges and the impact on the efficiency of the service. A nexus is a reasonable connection or factual relationship between the reasons for the action taken and the efficiency of the service.
- Be able to show that the penalty imposed was appropriate under the circumstances.

c. These actions are usually progressively more serious for each subsequent instance or similar misconduct. However, there may be incidents of misconduct which are so serious that they warrant severe action, including removal from employment, for the first offense.

d. Formal disciplinary actions become a matter of record in an employee’s official personnel folder (OPF).

3. PROCEDURES. The servicing Chief, NAF-Human Resources must review memorandums of reprimand, notices of termination, notices of proposed action, and decision memorandums before issuing to the employee to ensure these memorandums are procedurally correct and proper on merit.

a. Oral Admonishment. An oral admonishment is a discussion between a supervisor and an employee. There is no formal process required to document an oral admonishment. Documentation is made on the AF Form 971 (*DCPDS generated*). Appendix 1 is provided to assist with this documentation. The employee may be asked to initial the entry. The employee’s initials do not indicate agreement with the entry content, but only awareness of the entry. If the employee refuses, the supervisor annotates the refusal on the supplement. The oral admonishment is removed from the Employee Work Folder after 2 years.

b. Memorandum of Reprimand (MOR). A MOR is a formal disciplinary memorandum issued by a supervisor to an employee. Before issuing a Memorandum of Reprimand, the supervisor meets with the employee, tells the employee that he or she is considering a Memorandum of Reprimand due to the employee’s misconduct, tells the employee the specific nature of the misconduct, including date, time, and place; and gives the employee an opportunity to explain his or her actions. After meeting with the employee, the supervisor makes a memo of what is said during the meeting with the employee which becomes part of the case file. Appendix 2 provides the regulatory information to be included in MORs. The employee may be asked to acknowledge receipt of memo. If the employee refuses, the supervisor annotates the refusal on the memo.

c. Termination. A termination is an involuntary action, initiated by management, to separate a flexible employee from employment. It is the most severe form of disciplinary action for the flexible workforce. The employee is provided advance notification of at least 24 hours. Appendix 3 provides the regulatory information for a Notice of Termination.

d. Suspension. A suspension is an action that involuntarily places a regular employee in a nonpay, nonduty status. Express periods of suspension in calendar days. Prior to issuing a memorandum of suspension, the supervisor gives the employee an opportunity to respond to the proposal, and then presents the employee with a Notice of Decision. See Appendix 4 and 5.

e. Demotion. A demotion reduces the employee's grade or pay band. Prior to issuing a demotion notice, the supervisor gives the employee an opportunity to respond to the proposal, and then presents the employee with a Notice of Decision. See Appendix 6 and 7.

f. Removal. A removal is an involuntary separation of a regular employee from employment. Prior to issuing a removal notice, the supervisor gives the employee an opportunity to respond to the proposal, and then presents the employee with a Notice of Decision. See Appendix 8 and 9.

Appendix 1

SUPPLEMENT SHEET - AF FORM 971

ORAL ADMONISHMENT

Employee Name: _____

Date of Entry: _____

DISCUSSION OF INCIDENT OR DELINQUENCY

I. Statement of problem:

II. Background facts: (If applicable)

III. Employee's explanation and views *(if additional space is needed, continue on either the reverse or a blank sheet of bond paper):*

IV. Determination of appropriate action:

Supervisor's Signature/Date

Receipt acknowledged. Initials does not indicate agreement or disagreement.

Employee's Initials/Date

Appendix 2

SAMPLE MEMORANDUM OF REPRIMAND (Use official letterhead)

DATE

MEMORANDUM FOR *Employee Name/Office Symbol*

FROM: *(ORG/OFC SYMBOL)*

SUBJECT: Memorandum of Reprimand

1. The purpose of this memorandum is to officially reprimand you for your conduct on **(date)**. This reprimand is effective upon your receipt of this memo. It is intended to emphasize to you the seriousness of your misconduct and correct your behavior. This action is in accordance with AFMAN 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*.

2. The specific reason(s) supporting this action **is/are**:

a. CHARGE 1: Describe the delinquency or misconduct type (e.g. failure to follow procedures, conduct unbecoming, lack of candor). Be brief but specific; describe the elements: when, where, who, what, and how

b. CHARGE 2: If more than one charge, address charges separately in subparagraphs with appropriate specification for each.

3. On *(insert date)*, I met with you and advised you I was considering issuing a Memorandum of Reprimand due to your misconduct and gave you an opportunity to provide any information and reasons you had for your conduct. You *(did) (did not)* offer any information at this meeting.

a. (Any information provided to you by the employee during that meeting must be documented here.)

b. If more than one charge, address separately.

4. The purpose of this reprimand is to maintain good order and discipline and to correct your misconduct. This action is meant to be a constructive step toward improving a situation that I cannot allow to continue. You are cautioned that further incidents of misconduct could result in more severe disciplinary action, up to and including removal from Air Force Nonappropriated Fund (NAF) employment. If you have any questions or need clarification regarding your conduct and what is expected of you, please contact me.

5. You have a right to review the material relied on to support this proposed action. The case file for this action is maintained in the NAF-Human Resources (HR) Section. In order to review these materials, you may contact (*name of HR Specialist, location and phone number assigned to assist*) in the NAF-Human Resources Section. A copy of this Memorandum of Reprimand will be placed in your Official Personnel Folder (OPF) for a period of two (2) years. Upon expiration of the reprimand, the reprimand and all related documents concerning this matter will be removed from your OPF.

6. If you believe this action is unwarranted, you have a right to file a grievance in accordance with AFMAN 34-310, Chapter 9 or the negotiated grievance procedure (***whichever is applicable***). You must present the grievance to the NAF-Human Resources Section not later than seven (7) calendar days after receipt of this memorandum. If it is mailed, it must be postmarked no later than 7 days after receipt of this memorandum. The grievance must be in writing, signed, and dated. It must include:

- Your name, grade, organization, duty phone, home address, and home phone number.
- The name, organization, duty phone, home address, and home phone of your representative, if any.
- A clear indication that the memorandum is a Step 1 grievance.
- A statement of the specific action or incident giving rise to the grievance, including the date on which the incident occurred or action took effect, and the date on which you became aware of such action or incident.
- A statement of your reason(s) for believing the action or incident is improper.
- A brief explanation of any attempt by you to resolve the grievance informally.
- A statement of the specific personal relief being sought, i.e., what do you want management to do?

7. If you elect to file a grievance, observe the following procedures:

a. Time Limit. You have 7 calendar days (***be sure to abide by any provisions outlined in the Collective Bargaining Agreement***) of your receipt of this notice to submit your reply. If you believe that 7 calendar days are insufficient to prepare and present your reply, you can submit a written request for an extension of the time limit to the undersigned. Your request must include the specific reasons as to why the time limit should be extended. Once the time limit has expired, however, any request for a time limit extension will not be approved unless you provide satisfactory evidence that compelling circumstances existed beyond your control that prevented you from submitting a timely request.

b. Representation. You may be accompanied, represented, and advised by a representative of your own choosing at any stage of the procedure. You must designate your representative in writing. If you choose to have a representative, you may normally be represented by anyone whom you obtain to assist you provided the representative's service does not result in a conflict or apparent conflict of interest or position, release of an employee from his or her official

position to serve as representative would give rise to unreasonable costs to the government; or, priority work assignments of the individual preclude his or her release to serve as representative.

c. Use of Official Time. Upon request, you are entitled to a reasonable amount of official time to obtain advice and assistance, obtain affidavits and statements, consider your appropriate course of action, and prepare or submit your replies if otherwise in a duty status. If your representative is an Air Force employee in a duty status, the representative is also entitled, upon request, to a reasonable amount of official time to assist or act for you in the preparation of your response. Request for use of official time must be made in advance and is subject to supervisor approval.

8. Should you desire additional information or clarification regarding this memorandum and/or the grievance procedure, you may contact **(name and phone number of personnel Specialist Name)**. You are requested to acknowledge receipt of this memorandum by signing and dating below. Your refusal to sign does not void the contents of this memorandum.

SUPERVISOR'S SIGNATURE BLOCK

Receipt acknowledged. Signature does not indicate agreement or disagreement.

Employee Signature/Date

User note:

Supervisor ensures NAF-Human Resources reviews the memorandum of reprimand prior to issuing to the employee.

MEMORANDUM OF REPRIMAND COORDINATION SHEET

HR Specialist/Date

Second Level Supervisor/Date

JA Coordination/Date *(if required)*

Appendix 3

SAMPLE NOTICE OF TERMINATION (Use Official Letterhead)

DATE

MEMORANDUM FOR *Employee Name/Office Symbol*

FROM: **(ORG/OFC SYMBOL)**

SUBJECT: Notice of Termination

1. This memorandum is to officially notify you I have decided to terminate you from Air Force Nonappropriated Fund (NAF) employment. I have determined your continued employment does not promote the efficiency of the service.

2. The specific reason(s) supporting this action *is/are*:

a. CHARGE 1: Describe the delinquency or misconduct type (e.g. failure to follow procedures, conduct unbecoming, lack of candor). Be brief but specific; describe the elements: when, where, who, what, and how

b. CHARGE 2: If more than one charge, address charges separately in subparagraphs with appropriate specification for each.

3. The effective date of this action is *(insert date; may not be earlier than 24 hours from the date the employee receives the Notice)*. You have a right to contact an Equal Employment Opportunity (EEO) counselor and to file a complaint through the discrimination complaint process within 45 days of termination if you believe that I am terminating you because of your race, color, religion, sex, national origin, disability, age, or in retaliation for your previous participation in the EEO process.

4. You have a right to respond to this Notice. It is important that you reply, stating all the facts why you believe this action should not be taken. To support your response, you may present statements, affidavits, and any other evidence you consider appropriate. Any response must be received by *(insert same name)* not later than *(insert date)* (NOTE: *either prior to the effective date of this action if the notice period given is 24 hours or not later than 24 hours prior to the effective date of the action if more than 24 hours' notice is given.*) A non-receipt of a response, or a response that does not affect the proposed action, will result in the action taking place on the effective date stated. If a timely response results in a decision not to proceed, the action will not be taken or it will be reversed, whichever is applicable.

5. If you believe the proposed action is unwarranted, you have a right to file a grievance in accordance with AFMAN 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*, Chapter 9 or the negotiated grievance procedure (*whichever is applicable*). You must present the grievance to the NAF-Human Resources Section not later than seven (7) calendar days after receipt of this memorandum. If it is mailed, it must be postmarked no later than 7 days after receipt of this memorandum. The grievance must be in writing, signed, and dated. It must include:

- Your name, grade, organization, duty phone, home address, and home phone number.
- The name, organization, duty phone, home address, and home phone of your representative, if any.
- A clear indication that the memorandum is a Step 1 grievance.

- A statement of the specific action or incident giving rise to the grievance, including the date on which the incident occurred or action took effect, and the date on which you became aware of such action or incident.
- A statement of your reason(s) for believing the action or incident is improper.
- A brief explanation of any attempt by you to resolve the grievance informally.
- A statement of the specific personal relief being sought, i.e., what do you want management to do?

6. If you elect to file a grievance, observe the following procedures:

a. Time Limit. You have 7 calendar days ***(be sure to abide by any provisions outlined in the Collective Bargaining Agreement)*** of your receipt of this notice to submit your grievance. If you believe that 7 calendar days are insufficient to prepare and present your grievance, you can submit a written request for an extension of the time limit to the undersigned. Your request must include the specific reasons as to why the time limit should be extended. Once the time limit has expired, however, any request for a time limit extension will not be approved unless you provide satisfactory evidence that compelling circumstances existed beyond your control that prevented you from submitting a timely request.

b. Representation. You may be accompanied, represented, and advised by a representative of your own choosing at any stage of the procedure. You must designate your representative in writing. If you choose to have a representative, you may normally be represented by anyone whom you obtain to assist you provided the representative's service does not result in a conflict or apparent conflict of interest or position, release of an employee from his or her official position to serve as representative would give rise to unreasonable costs to the government; or, priority work assignments of the individual preclude his or her release to serve as representative.

c. Use of Official Time. Upon request, you are entitled to a reasonable amount of official time to obtain advice and assistance, obtain affidavits and statements, consider your appropriate course of action, and prepare or submit your replies if otherwise in a duty status. If your representative is an Air Force employee in a duty status, the representative is also entitled, upon request, to a reasonable amount of official time to assist or act for you in the preparation of your response. Request for use of official time must be made in advance and is subject to supervisor approval.

7. Should you desire additional information or clarification regarding this memorandum and/or the review procedure, you may contact *(insert name of HR Specialist)* in the NAF-Human Resources Section. You are requested to acknowledge receipt of this memorandum by signing and dating below. Your refusal to sign does not void the contents of this memorandum.

DECIDING OFFICIAL'S SIGNATURE BLOCK

Receipt acknowledged. Signature does not indicate agreement or disagreement.

Employee Signature/Date

User Notes;

1. *Used for flexible employees only.*
2. *Employee provided at least 24 hours' notice.*
3. *Memo is hand-delivered by the supervisor or otherwise provided the employee on or before the date the action is to be effective, or a diligent effort to make delivery is made and documented.*

NOTICE OF TERMINATION COORDINATION SHEET

HR Specialist/Date

Second Level Supervisor/Date

Appendix 4

SAMPLE NOTICE OF PROPOSED SUSPENSION (Use official letterhead)

DATE

MEMORANDUM FOR *Employee Name/Office Symbol*

FROM: *(ORG/OFC SYMBOL)*

SUBJECT: Notice of Proposed Suspension

1. The purpose of this memorandum is to inform you of my proposal to suspend you from duty, without pay, from your position of (*position title, pay plan/series/grade*) for a period of (#) calendar days no earlier than 15 days from the date you receive this notice. This action is proposed to promote the efficiency of the service and is in accordance with AFMAN 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*.

2. The specific reason(s) supporting this proposed action **is/are**:

a. CHARGE 1: Describe the delinquency or misconduct type (e.g. failure to follow procedures, conduct unbecoming, lack of candor). Be brief but specific; describe the elements: when, where, who, what, and how

b. CHARGE 2: If more than one charge, address charges separately in subparagraphs with appropriate specification for each.

3. In proposing this suspension, I have also considered your past disciplinary record, which includes ***SPECIFY PRIOR DISCIPLINARY ACTION(S) and include all other relevant factors or any background facts the proposing official wants to highlight to the employee.*** The purpose of this action is to maintain good order and discipline and to correct your conduct. This action is meant to be a constructive step toward improving a situation that I cannot allow to continue. In the event your conduct does not improve, any further display of this or similar conduct will result in more severe disciplinary action taken against you, up to and including your removal from Air Force Nonappropriated Fund (NAF) employment.

4. You have a right to review the material relied on to support this proposed action. The case file for this action is maintained in the NAF-Human Resources Section. In order to review these materials, you may contact (*name of HR Specialist, location and phone number assigned to assist*) in the NAF-Human Resources Section.

5. You have a right to respond this proposed suspension. If you believe the proposed action is unwarranted, it is important that you reply, stating all the facts why you believe this proposed action should not be taken. Such a response must be submitted in writing to (*insert name of individual who has the authority to either make or recommend a final decision*). To support your response, you may present statements, affidavits, and any other evidence you consider appropriate. No final decision has been made on the proposed suspension. Before a decision is made, full and careful consideration will

be given to any replies you submit during the response period. Regardless of whether or a response is received, a final written decision will be issued.

6. If you elect to respond to this notice, observe the following procedures:

a. Time Limit. You have 4 calendar days (***be sure to abide by any provisions outlined in the Collective Bargaining Agreement***) of your receipt of this notice to submit your reply. If you believe that 4 calendar days are insufficient to prepare and present your reply, you can submit a written request for an extension of the time limit to the undersigned. Your request must include the specific reasons as to why the time limit should be extended. Once the time limit has expired, however, any request for a time limit extension will not be approved unless you provide satisfactory evidence that compelling circumstances existed beyond your control that prevented you from submitting a timely request.

b. Representation. You may be accompanied, represented, and advised by a representative of your own choosing at any stage of the procedure. You must designate your representative in writing. If you choose to have a representative, you may normally be represented by anyone whom you obtain to assist you provided the representative's service does not result in a conflict or apparent conflict of interest or position, release of an employee from his or her official position to serve as representative would give rise to unreasonable costs to the government; or, priority work assignments of the individual preclude his or her release to serve as representative.

c. Use of Official Time. Upon request, you are entitled to a reasonable amount of official time to obtain advice and assistance, obtain affidavits and statements, consider your appropriate course of action, and prepare or submit your replies if otherwise in a duty status. If your representative is an Air Force employee in a duty status, the representative is also entitled, upon request, to a reasonable amount of official time to assist or act for you in the preparation of your response. Request for use of official time must be made in advance and is subject to supervisor approval.

7. Should you desire additional information or clarification regarding this memorandum and/or the response procedure, you may contact (***name and phone number of personnel Specialist Name***).

8. During this notice period, you will remain in a ***normal duty status*** unless leave is requested and approved. You are requested to acknowledge receipt of this memorandum by signing and dating below. Your refusal to sign does not void the contents of this memorandum.

DECIDING OFFICIAL'S SIGNATURE BLOCK

Receipt Acknowledged. Signature does not indicate agreement or disagreement.

Employee Signature/Date

User Notes:

- 1. A suspension should be ordered only after a reasonable determination that a less severe penalty, such as an oral admonishment or reprimand is adequate.*
- 2. The day the notice is delivered should not be counted as Day 1 in the 4-day response period or 15-day advance notice period.*

NOTICE OF PROPOSED SUSPENSION COORDINATION SHEET

HR Specialist/Date

Second Level Supervisor/Date

JA Coordination/Date

Appendix 5

SAMPLE NOTICE OF DECISION - SUSPENSION (Use official letterhead)

DATE

MEMORANDUM FOR *Employee Name/Office Symbol*

FROM: *(ORG/OFC SYMBOL)*

SUBJECT: Notice of Decision to Suspend

1. On **(date)** you were given a Notice of Proposed Suspension to suspend you for **(#)** calendar days for ***INSERT CHARGES FROM THE PROPOSAL MEMO***. This memorandum is to inform you of my final decision on your proposed suspension from ***Position title, PP/SER/GRADE***. You were advised in that notice of your right to reply in writing within 4 calendar days of the date you received the notice. ***Add any requests for extended timeframe to reply. For example:*** You requested an extension to provide your reply until (date). This extension was granted. ***(Identify all replies, both oral and/or written, as well as a nonresponse. For example:*** “You and your representative Ms. Smith met with me on (date) to provide both a written and oral reply.” OR “To date I have received no response from you.”)

2. I have carefully considered the reasons for your proposed suspension as stated in the Notice of Proposed Suspension, including the evidence compiled to propose the action, your ***(date)*** reply***(ies)***, ***(if prior offenses/resulting penalties considered in proposed action, also address whether relied on in making decision)***, and all relevant penalty selection factors. I find that the incident(s) described in the Notice of Proposed Suspension ***is/are*** fully supported by a preponderance of the evidence, are sustained, and warrant your suspension. The effective date of your suspension will be from ***(first day of suspension) to (last day of suspension (be sure the effective date is at least 15 days from the proposed action))***. You will return to work on ***(date/time)***. This action is being taken to promote the efficiency of the service and is in accordance with AFMAN 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*.

3. ***Include advice on loss of benefits (insurance, retirement, annual or sick leave, etc. (if applicable))***

4. If you believe this action is unwarranted, you have a right to file a grievance in accordance with AFMAN 34-310, Chapter 9 or the negotiated grievance procedure ***(whichever is applicable)***. You must present the grievance to the NAF-Human Resources Section not later than seven (7) calendar days after receipt of this memorandum. If it is mailed, it must be postmarked no later than 7 days after receipt of this memorandum. The grievance must be in writing, signed, and dated. It must include:

- Your name, grade, organization, duty phone, home address, and home phone number.
- The name, organization, duty phone, home address, and home phone of your representative, if any.
- A clear indication that the memorandum is a Step 1 grievance.

- A statement of the specific action or incident giving rise to the grievance, including the date on which the incident occurred or action took effect, and the date on which you became aware of such action or incident.
- A statement of your reason(s) for believing the action or incident is improper.
- A brief explanation of any attempt by you to resolve the grievance informally.
- A statement of the specific personal relief being sought, i.e., what do you want management to do?

5. If you elect to file a grievance, observe the following procedures:

a. Time Limit. You have 7 calendar days (***be sure to abide by any provisions outlined in the Collective Bargaining Agreement***) of your receipt of this notice to submit your reply. If you believe that 7 calendar days are insufficient to prepare and present your reply, you can submit a written request for an extension of the time limit to the undersigned. Your request must include the specific reasons as to why the time limit should be extended. Once the time limit has expired, however, any request for a time limit extension will not be approved unless you provide satisfactory evidence that compelling circumstances existed beyond your control that prevented you from submitting a timely request.

b. Representation. You may be accompanied, represented, and advised by a representative of your own choosing at any stage of the procedure. You must designate your representative in writing. If you choose to have a representative, you may normally be represented by anyone whom you obtain to assist you provided the representative's service does not result in a conflict or apparent conflict of interest or position, release of an employee from his or her official position to serve as representative would give rise to unreasonable costs to the government; or, priority work assignments of the individual preclude his or her release to serve as representative.

c. Use of Official Time. Upon request, you are entitled to a reasonable amount of official time to obtain advice and assistance, obtain affidavits and statements, consider your appropriate course of action, and prepare or submit your replies if otherwise in a duty status. If your representative is an Air Force employee in a duty status, the representative is also entitled, upon request, to a reasonable amount of official time to assist or act for you in the preparation of your response. Request for use of official time must be made in advance and is subject to supervisor approval.

6. Should you desire additional information or clarification regarding this memorandum and/or the grievance procedure, you may contact (***name and phone number of personnel Specialist Name***). You are requested to acknowledge receipt of this memorandum by signing and dating below. Your refusal to sign does not void the contents of this memorandum.

DECIDING OFFICIAL'S SIGNATURE BLOCK

RECEIPT ACKNOWLEDGED.

Employee Signature/Date

User Notes:

- 1. The only reason(s) cited as a basis for the decision is the reason that was cited in the Notice of Proposed Action. The Notice of Decision may not introduce any new charge that was not included in the proposal.*
- 3. The day the notice is delivered should not be counted as Day 1 in the 7-day response period or 15-day advance notice period.*
- 4. The memorandum is hand-delivered or otherwise provided to the employee on or before the date the action is to be effective, or a diligent effort to make delivery is made and documented.*

NOTICE OF DECISION TO SUSPEND COORDINATION SHEET

HR Specialist/Date

Second Level Supervisor/Date

JA Coordination/Date

Appendix 6

SAMPLE NOTICE OF PROPOSED DEMOTION (Use official letterhead)

DATE

MEMORANDUM FOR *Employee Name/Office Symbol*

FROM: **(ORG/OFC SYMBOL)**

SUBJECT: Notice of Proposed Demotion

1. The purpose of this memorandum is to inform you of my proposal to demote you from your position of *(position title, pay plan/series/grade/pay)* to *(position title, pay plan/series/grade/pay)* no earlier than 15 days from the date you receive this notice. This action is proposed to promote the efficiency of the service and is in accordance with AFMAN 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*.

2. The specific reason(s) supporting this proposed action **is/are**:

a. CHARGE 1: Describe the delinquency or misconduct type (e.g. failure to follow procedures, conduct unbecoming, lack of candor). Be brief but specific; describe the elements: when, where, who, what, and how

b. CHARGE 2: If more than one charge, address charges separately in subparagraphs with appropriate specification for each.

3. In proposing this demotion, I have also considered your past disciplinary record, which includes ***SPECIFY PRIOR DISCIPLINARY ACTION(S) and include all other relevant factors or any background facts the proposing official wants to highlight to the employee.*** The purpose of this action is to maintain good order and discipline and to correct your conduct. This action is meant to be a constructive step toward improving a situation that I cannot allow to continue. In the event your conduct does not improve, any further display of this or similar conduct will result in more severe disciplinary action taken against you, up to and including your removal from Air Force Nonappropriated Fund (NAF) employment.

4. You have a right to review the material relied on to support this proposed action. The case file for this action is maintained in the NAF-Human Resources Section. In order to review these materials, you may contact *(name of HR Specialist, location and phone number assigned to assist)*.

5. You have a right to respond this proposed demotion. If you believe the proposed action is unwarranted, it is important that you reply, stating all the facts why you believe this proposed action should not be taken. Such a response must be submitted in writing to ***(insert name of individual who has the authority to either make or recommend a final decision)***. To support your response, you may present statements, affidavits, and any other evidence you consider appropriate. No final decision has been made on the proposed demotion. Before a decision is made, full and careful consideration will be

given to any replies you submit during the response period. Regardless of whether or a response is received, a final written decision will be issued.

6. If you elect to respond to this notice, observe the following procedures:

a. Time Limit. You have 4 calendar days **(be sure to abide by any provisions outlined in the Collective Bargaining Agreement)** of your receipt of this notice to submit your reply. If you believe that 4 calendar days are insufficient to prepare and present your reply, you can submit a written request for an extension of the time limit to the undersigned. Your request must include the specific reasons as to why the time limit should be extended. Once the time limit has expired, however, any request for a time limit extension will not be approved unless you provide satisfactory evidence that compelling circumstances existed beyond your control that prevented you from submitting a timely request.

b. Representation. You may be accompanied, represented, and advised by a representative of your own choosing at any stage of the procedure. You must designate your representative in writing. If you choose to have a representative, you may normally be represented by anyone whom you obtain to assist you provided the representative's service does not result in a conflict or apparent conflict of interest or position, release of an employee from his or her official position to serve as representative would give rise to unreasonable costs to the government; or, priority work assignments of the individual preclude his or her release to serve as representative.

c. Use of Official Time. Upon request, you are entitled to a reasonable amount of official time to obtain advice and assistance, obtain affidavits and statements, consider your appropriate course of action, and prepare or submit your replies if otherwise in a duty status. If your representative is an Air Force employee in a duty status, the representative is also entitled, upon request, to a reasonable amount of official time to assist or act for you in the preparation of your response. Request for use of official time must be made in advance and is subject to supervisor approval.

7. Should you desire additional information or clarification regarding this memorandum and/or the response procedure, you may contact **(name and phone number of personnel Specialist Name)**.

8. During this notice period, you will remain in a **normal duty status** unless leave is requested and approved. You are requested to acknowledge receipt of this memorandum by signing and dating below. Your refusal to sign does not void the contents of this memorandum.

DECIDING OFFICIAL'S SIGNATURE BLOCK

RECEIPT ACKNOWLEDGED.

Employee Signature/Date

User Notes:

- 1. A demotion should be ordered only after a reasonable determination that a less severe penalty, such as an oral admonishment or reprimand is inadequate.*
- 2. The day the notice is delivered should not be counted as Day 1 in the 4-day response period or 15-day advance notice period.*

NOTICE OF PROPOSED DEMOTION COORDINATION SHEET

HR Specialist/Date

Second Level Supervisor/Date

JA Coordination/Date

Appendix 7

SAMPLE NOTICE OF DECISION - DEMOTION

(Use official letterhead)

DATE

MEMORANDUM FOR *Employee Name/Office Symbol*

FROM: **(ORG/OFC SYMBOL)**

SUBJECT: Notice of Decision to Demote

1. On **(date)** you were given a Notice of Proposed Demotion for ***INSERT CHARGES FROM THE PROPOSAL MEMO***. This memorandum is to inform you of my final decision on your proposed demotion from ***Position title, PP/SER/GRADE/PAY to Position title, PP/SER/GRADE/PAY***. You were advised in that notice of your right to reply in writing within 4 calendar days of the date you received the notice. ***Add any requests for extended timeframe to reply. For example:*** You requested an extension to provide your reply until (date). This extension was granted. ***(Identify all replies, both oral and/or written, as well as a nonresponse. For example:*** “You and your representative Ms. Smith met with me on (date) to provide both a written and oral reply.” OR “To date I have received no response from you.”)

2. I have carefully considered the reasons for your proposed demotion as stated in the Notice of Proposed Demotion, including the evidence compiled to propose the action, your ***(date) reply(ies), (if prior offenses/resulting penalties considered in proposed action, also address whether relied on in making decision)***, and all relevant penalty selection factors. I find that the incident(s) described in the Notice of Proposed Demotion ***is/are*** fully supported by a preponderance of the evidence, are sustained, and warrant your demotion. The effective date of your demotion will be ***(date) (be sure the effective date is at least 15 days from the proposed action)***. This action is being taken to promote the efficiency of the service and is in accordance with AFMAN 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*.

3. **Include advice on loss of benefits (insurance, retirement, annual or sick leave, etc. (if applicable))**

4. If you believe this action is unwarranted, you have a right to file an appeal in accordance with AFMAN 34-310, Chapter 9 or the negotiated grievance procedure ***(whichever is applicable)***. The appeal must be in writing, signed, and dated. It must include:

- Your name, grade, organization, duty phone, home address, and home phone number.
- The name, organization, duty phone, home address, and home phone of your representative, if any.
- A clear indication that the memorandum is a Step 1 appeal.
- A statement of the specific action giving rise to the appeal, including the date on which the action was effective.
- A statement of your reason(s) for believing the action is improper.

- A statement describing the specific personal relief sought, i.e., what do you want management to do?

5. If you elect to file an appeal, observe the following procedures:

a. Time Limit. You must present the appeal to the NAF-Human Resources Section not later than seven (7) calendar days after the effective date of the action (***be sure to abide by any provisions outlined in the Collective Bargaining Agreement***). If the appeal is mailed, it must be postmarked no later than 7 days after the effective date of the action. If you believe that 7 calendar days are insufficient to prepare and present your appeal, you can submit a written request for an extension of the time limit to the undersigned. Your request must include the specific reasons as to why the time limit should be extended. Once the time limit has expired, however, any request for a time limit extension will not be approved unless you provide satisfactory evidence that compelling circumstances existed beyond your control that prevented you from submitting a timely request.

b. Representation. You may be accompanied, represented, and advised by a representative of your own choosing at any stage of the procedure. You must designate your representative in writing. If you choose to have a representative, you may normally be represented by anyone whom you obtain to assist you provided the representative's service does not result in a conflict or apparent conflict of interest or position, release of an employee from his or her official position to serve as representative would give rise to unreasonable costs to the government; or, priority work assignments of the individual preclude his or her release to serve as representative. If your representative is an Air Force civilian employee, he or she is entitled to a reasonable amount of official time to assist you. Request for official time is subject to supervisory approval.

6. If you have questions regarding the appeal procedures, you may contact (***name and phone number of HR Specialist***). You are requested to acknowledge receipt of this memorandum by signing and dating below. Your refusal to sign does not void the contents of this memorandum.

DECIDING OFFICIAL'S SIGNATURE BLOCK

RECEIPT ACKNOWLEDGED.

Employee Signature/Date

User Notes:

1. *The only reason(s) cited as a basis for the decision is the reason that was cited in the Notice of Proposed Action. The Notice of Decision may not introduce any new charge that was not included in the proposal.*
3. *The day the notice is delivered should not be counted as Day 1 in the 7-day response period or 15-day advance notice period.*

4. The memorandum is hand-delivered or otherwise provided to the employee on or before the date the action is to be effective, or a diligent effort to make delivery is made and documented.

NOTICE OF DECISION TO DEMOTE COORDINATION SHEET

HR Specialist/Date

Second Level Supervisor/Date

JA Coordination/Date

Appendix 8

SAMPLE NOTICE OF PROPOSED REMOVAL

(Use official letterhead)

DATE

MEMORANDUM FOR *Employee Name/Office Symbol*

FROM: **(ORG/OFC SYMBOL)**

SUBJECT: Notice of Proposed Removal

1. The purpose of this memorandum is to inform you of my proposal to remove you from your position of *(position title, pay plan/series/grade)* no earlier than 15 days from the date you receive this notice. This action is proposed to promote the efficiency of the service and is in accordance with AFMAN 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*.

2. The specific reason(s) supporting this proposed action **is/are**:

a. CHARGE 1: Describe the delinquency or misconduct type (e.g. failure to follow procedures, conduct unbecoming, lack of candor). Be brief but specific; describe the elements: when, where, who, what, and how

b. CHARGE 2: If more than one charge, address charges separately in subparagraphs with appropriate specification for each.

3. In proposing this Removal, I have also considered your past disciplinary record, which includes ***SPECIFY PRIOR DISCIPLINARY ACTION(S) and include all other relevant factors or any background facts the proposing official wants to highlight to the employee.***

4. You have a right to review the material relied on to support this proposed action. The case file for this action is maintained in the NAF-Human Resources Section. In order to review these materials, you may contact *(name of HR Specialist, location and phone number assigned to assist)*.

5. You have a right to respond this proposed Removal. If you believe the proposed action is unwarranted, it is important that you reply, stating all the facts why you believe this proposed action should not be taken. Such a response must be submitted in writing to ***(insert name of individual who has the authority to either make or recommend a final decision)***. To support your response, you may present statements, affidavits, and any other evidence you consider appropriate. No final decision has been made on the proposed Removal. Before a decision is made, full and careful consideration will be given to any replies you submit during the response period. Regardless of whether or a response is received, a final written decision will be issued.

6. If you elect to respond to this notice, observe the following procedures:

a. Time Limit. You have 4 calendar days ***(be sure to abide by any provisions outlined in the Collective Bargaining Agreement)*** of your receipt of this notice to submit your reply. If you believe that 4 calendar days are insufficient to prepare and present your reply, you can submit a written request for an extension of the time limit to the undersigned. Your request must include the specific reasons as to why the time limit should be extended. Once the time limit has expired, however, any request for a time limit extension will not be approved unless you provide satisfactory evidence that compelling circumstances existed beyond your control that prevented you from submitting a timely request.

b. Representation. You may be accompanied, represented, and advised by a representative of your own choosing at any stage of the procedure. You must designate your representative in writing. If you choose to have a representative, you may normally be represented by anyone whom you obtain to assist you provided the representative's service does not result in a conflict or apparent conflict of interest or position, release of an employee from his or her official position to serve as representative would give rise to unreasonable costs to the government; or, priority work assignments of the individual preclude his or her release to serve as representative.

c. Use of Official Time. Upon request, you are entitled to a reasonable amount of official time to obtain advice and assistance, obtain affidavits and statements, consider your appropriate course of action, and prepare or submit your replies if otherwise in a duty status. If your representative is an Air Force employee in a duty status, the representative is also entitled, upon request, to a reasonable amount of official time to assist or act for you in the preparation of your response. Request for use of official time must be made in advance and is subject to supervisor approval.

7. Should you desire additional information or clarification regarding this memorandum and/or the response procedure, you may contact ***(name and phone number of personnel Specialist Name)***.

8. During this notice period, you will remain in a normal ***duty status*** unless leave is requested and approved. You are requested to acknowledge receipt of this memorandum by signing and dating below. Your refusal to sign does not void the contents of this memorandum.

DECIDING OFFICIAL's SIGNATURE BLOCK

RECEIPT ACKNOWLEDGED.

Employee Signature/Date

User Notes:

1. A Removal should be ordered only after a reasonable determination that a less severe penalty, such as an oral admonishment, reprimand or suspension is inadequate.

2. The day the notice is delivered should not be counted as Day 1 in the 4-day response period or 15-day advance notice period.

NOTICE OF PROPOSED REMOVAL COORDINATION SHEET

HR Specialist/Date

Second Level Supervisor/Date

JA Coordination/Date

Appendix 9

SAMPLE NOTICE OF DECISION - REMOVAL (Use official letterhead)

DATE

MEMORANDUM FOR *Employee Name/Office Symbol*

FROM: **(ORG/OFC SYMBOL)**

SUBJECT: Notice of Decision to Remove

1. On **(date)** you were given a Notice of Proposed Removal for ***INSERT CHARGES FROM THE PROPOSAL MEMO***. This memorandum is to inform you of my final decision on your proposed removal. You were advised in that notice of your right to reply in writing within 4 calendar days of the date you received the notice. ***Add any requests for extended timeframe to reply. For example:*** You requested an extension to provide your reply until (date). This extension was granted. ***(Identify all replies, both oral and/or written, as well as a nonresponse. For example:*** “You and your representative Ms. Smith met with me on (date) to provide both a written and oral reply.” OR “To date I have received no response from you.”)

2. I have carefully considered the reasons for your proposed removal as stated in the Notice of Proposed Removal, including the evidence compiled to propose the action, your **(date)** reply(ies), ***(if prior offenses/resulting penalties considered in proposed action, also address whether relied on in making decision)***, and all relevant penalty selection factors. I find that the incident(s) described in the Notice of Proposed Removal ***is/are*** fully supported by a preponderance of the evidence, are sustained, and warrant your removal. The effective date of your removal will be **(date)** ***(be sure the effective date is at least 15 days from the proposed action)***. This action is being taken to promote the efficiency of the service and is in accordance with AFMAN 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*.

3. **Include advice on loss of benefits (insurance, retirement, annual or sick leave, etc. (if applicable))**

4. If you believe this action is unwarranted, you have a right to file an appeal in accordance with AFMAN 34-310, Chapter 9 or the negotiated grievance procedure ***(whichever is applicable)***. The appeal must be in writing, signed, and dated. It must include:

- Your name, grade, organization, duty phone, home address, and home phone number.
- The name, organization, duty phone, home address, and home phone of your representative, if any.
- A clear indication that the memorandum is a Step 1 appeal.
- A statement of the specific action giving rise to the appeal, including the date on which the action was effective.
- A statement of your reason(s) for believing the action is improper.

- A statement describing the specific personal relief sought, i.e., what do you want management to do?

5. If you elect to file an appeal, observe the following procedures:

a. Time Limit. You must present the appeal to the NAF-Human Resources Section not later than seven (7) calendar days after the effective date of the action (***be sure to abide by any provisions outlined in the Collective Bargaining Agreement***). If the appeal is mailed, it must be postmarked no later than 7 days after the effective date of the action. If you believe that 7 calendar days are insufficient to prepare and present your appeal, you can submit a written request for an extension of the time limit to the undersigned. Your request must include the specific reasons as to why the time limit should be extended. Once the time limit has expired, however, any request for a time limit extension will not be approved unless you provide satisfactory evidence that compelling circumstances existed beyond your control that prevented you from submitting a timely request.

b. Representation. You may be accompanied, represented, and advised by a representative of your own choosing at any stage of the procedure. You must designate your representative in writing. If you choose to have a representative, you may normally be represented by anyone whom you obtain to assist you provided the representative's service does not result in a conflict or apparent conflict of interest or position, release of an employee from his or her official position to serve as representative would give rise to unreasonable costs to the government; or, priority work assignments of the individual preclude his or her release to serve as representative. If your representative is an Air Force civilian employee, he or she is entitled to a reasonable amount of official time to assist you. Request for official time is subject to supervisory approval.

6. If you have questions regarding the appeal procedures, you may contact (***name and phone number of HR Specialist***). You are requested to acknowledge receipt of this memorandum by signing and dating below. Your refusal to sign does not void the contents of this memorandum.

DECIDING OFFICIAL'S SIGNATURE BLOCK

RECEIPT ACKNOWLEDGED.

Employee Signature/Date

User Notes:

1. A removal should be ordered only after a reasonable determination that a less severe penalty, such as an oral admonishment, reprimand or suspension is adequate.
2. The only reason(s) cited as a basis for the decision is the reason that was cited in the Notice of Proposed Action. The Notice of Decision may not introduce any new charge that was not included in the proposal.
3. The day the notice is delivered should not be counted as Day 1 in the 7-day response period.

- 4. NAF Career Program employees separated or allowed to resign/retire in lieu of separation for performance and/or conduct must be notified at the time of separation they will no longer be eligible for referral for other NAF Career Program positions. Include a statement they will not be referred for any other career program covered positions. (A copy of the memo must be sent to Career Program)*
- 5. The memorandum is hand-delivered or otherwise provided to the employee on or before the date the action is to be effective, or a diligent effort to make delivery is made and documented.*

NOTICE OF DECISION TO REMOVE COORDINATION SHEET

HR Specialist/Date

Second Level Supervisor/Date

JA Coordination/Date