

3 FAM 4520

ADVERSE ACTION PROCEDURES FOR SUSPENSIONS OF 14 DAYS OR LESS

(TL:PER-410; 08-02-2001)

3 FAM 4521 ACTIONS NOT COVERED

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

3 FAM 4520 does not apply to actions cited in 5 CFR 752.201(c).

3 FAM 4522 EMPLOYEES COVERED

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

3 FAM 4520 applies to employees cited in 5 CFR 752.201(b).

3 FAM 4523 PROCEDURES

(TL:PER-410; 08-02-2001)

(State Only)

(Applies to Civil Service Employees)

a. An employee against whom an adverse action of suspension of 14 days or less is proposed under 3 FAM 4515 is entitled to the procedures set forth in 5 U.S.C. 7503(b) and 5 CFR 752.203.

b. An employee shall be given an advance written notice stating the specific reasons for proposed action.

*c. The Department will allow an employee a reasonable time, normally 10 days, but not less than 24 hours, to answer orally and/or in writing a notice of proposed suspension of 14 **calendar** days or less. However, the Department may make changes in the time limit if it deems it necessary to do so.*

d. An employee's attorney or other representative must be designated in writing to the deciding official.

e. *The deciding official shall give the employee a reasonable opportunity to make any presentations which are relevant to the final decision on the case. However, this does not include the right to discovery or a formal hearing with examination of witness.*

f. *The deciding official shall consider only the reasons specified in the notice of the proposed action and shall consider any answer of the employee and/or his or her representative.*

g. *The deciding official shall notify the employee, in writing, at the earliest practicable date of:*

(1) *Which reasons in the proposed notice have been found sustained and which have not been sustained; and*

(2) *The right to grieve a suspension of 14 calendar days or less under the Department's administrative grievance procedures (3 FAM 4700) or any negotiated grievance-arbitration procedure applicable to the employee.*

The decision to suspend shall be delivered to the employee at or before the time the action will be effective.

3 FAM 4524 THROUGH 4529 UNASSIGNED