

CIVILIAN PERSONNEL FACT SHEET

Relevant Factors – Douglas Factors (Douglas vs. Veteran’s Administration, 1981)

When an employee engages in misconduct, and disciplinary action is warranted, management must choose which penalty to impose. The following twelve factors should be used in determining the appropriate penalty. Written responses to these questions are required for a reprimand, suspension, removal or change to lower grade. You should contact your Employee Relations Specialist to assist you when you are considering taking any disciplinary action.

1. The nature and seriousness of the offense, and its relation to the employee’s duties, position, and responsibilities, including whether the offense was intentional, technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
2. The employee’s job level and type of employment including supervisory or fiduciary role, contacts with the public, and prominence of the position.
3. The employee’s past disciplinary record
4. The employee’s past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
5. The affect of the offense upon the employee’s ability to perform at a satisfactory level and its effect upon supervisors’ confidence in the employee’s ability to perform assigned duties.
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses.
7. Consistency of the penalty with any applicable table of penalties
8. The notoriety of the offense or its impact upon the reputation of the agency.
9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.
10. Potential for employee’s rehabilitation
11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.
12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee of others.