

**BY ORDER OF THE COMMANDER
UNITED STATES AIR FORCES IN EUROPE
(USAFE)**

**UNITED STATES AIR FORCES IN EUROPE
INSTRUCTION 36-702**

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Personnel**



**CONDUCT AND DISCIPLINE NON-US
CITIZEN EMPLOYEES, GERMANY**

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This instruction implements Air Force Policy Directive (AFPD) 36-7, *Employee and Labor-Management Relations*, 11 January 1994. It establishes policy and principles governing the conduct of non-U.S. citizen employees at Air Force installations in the Federal Republic of Germany. It also outlines procedural requirements for maintaining discipline and for taking corrective and disciplinary actions. This instruction applies to all United States Forces and Department of Defense (DoD) elements serviced by an United States Air Force (USAF) Civilian Personnel Flight (CPF), and to non-U.S. citizen personnel employed under the terms of the Collective Tariff Agreement (CTA II) or an individual employment agreement related thereto. It does not apply to Air National Guard (ANG) and Air Force Reserve Command (AFRC) units. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 37-123 (will convert to AFMAN 33-363), *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at <https://afrims.amc.af.mil/>.

SUMMARY OF CHANGES

This document is substantially revised and must be completely reviewed. Deletes old, includes new and/or updates references (para's **2.4.**; **3.3.1.**; **4.1.**; **5.2.1.4.**; **6.1.1.**; **8.1.**; **8.2.**; **9.2.1.**; A3.8.; **Attachment 4**, para **4.**; **Attachment 5**, para **4.**; **Attachment 6**, para **3.**; **Attachment 8**, para **2.**); updates reference dates in **Attachment 4**; replaces "bulletin board postings" by "electronic messages" in para **3.2.5.**; deletes "Part B7" in para **5.1.**, and "via PTI 920 in para **7.4.2.**"; changes office designation from CPO to CPF; changes organizational symbols from: DPCI to A1CP on page 1, and from DPCI to A1C on page 1 to reflect Head-quarter United States Air Forces in Europe (HQ USAFE) A-Staff nomenclature; includes some editorial changes throughout the document.

1. Policy. A high level of discipline and work morale among the non-U.S. work force may be attained through competent and decisive leadership, maintenance of constructive and effective labor management relations, and fair and equal treatment of employees in every respect. Emphasis will be placed on preventing situations that may require corrective or disciplinary action. However, when such actions are appropriate, they will be taken promptly, constructively, and equitably.

2. General Principles.

2.1. Discipline and work morale are the essence of effective teamwork. Commanders, operating officials, and employees must maintain a work environment in which both management and employees recognize and carry out their responsibilities.

2.2. Supervisors at all levels must understand and accept their own responsibility for creating and maintaining sound relations between themselves and employees, and among employees. They must influence employees through proper guidance, instructions, and good example to abide by established standards of conduct and performance, rules and regulations. Clear communication and consistent enforcement of established requirements, early identification of conduct and performance problems, fair treatment and motivation of employees, and recognition of good performers will also help to minimize disciplinary problems.

2.3. Employees are expected to perform the duties assigned and meet obligations under their employment contract conscientiously and in the most effective manner possible; to respect the administrative authority of those directing their work; and to observe the laws, internal regulations, and collective agreement provisions governing their employment and conduct.

2.4. Reasonable standards of conduct should be developed and published for installation-wide application, or keyed to individual work environments. They will be communicated to all affected employees by appropriate means.

2.5. Constructive discipline is preventive in nature. Its primary objectives are to develop, correct, and rehabilitate employees. Supervisors will bear this in mind when considering actions under paragraph **5.** or **6.**

2.6. Corrective and disciplinary actions prescribed in this instruction will be taken only when caused by delinquency or misconduct personally attributable to the employee (violations of rules, regulations, or standards of conduct governing individual employment situations). Substandard performance will be the basis for appropriate nondisciplinary action, unless the causes are within the employee's control, and application of corrective action can be expected to motivate a change in behavior.

3. Responsibilities and Delegation of Authority.

3.1. Installation Commanders who are delegated appointing authority under Air Force Instruction (AFI) 36-102, *Basic Authority and Responsibility for Civilian Personnel Management and Administration*, 18 February 1994 will ensure proper application of policy, principles, and procedures outlined in this instruction with due consideration of local requirements.

3.2. Civilian Personnel Officers will:

3.2.1. Provide guidance to and assist management in the development of reasonable standards of conduct.

3.2.2. Ensure, through formal training and other forms of communication, that supervisors understand the concepts of sound employee-management relations, desired employee behavior, and the techniques for handling on-the-job behavioral problems.

3.2.3. Assist management in analyzing the facts and reasons associated with disciplinary problems.

3.2.4. Provide guidance to supervisors in individual corrective actions and disciplinary measures.

3.2.5. Ensure that corrective and disciplinary actions are consistent with governing laws, collective agreement, and instructions/regulations, justified and supported on merit, and comply with all procedural requirements. This includes responsibility for notifying employees periodically through newsletters, electronic messages or individual notification of the persons having authority to take disciplinary action and sign letters of warning and separation notices (see paragraph 2.4. and German Civil Code (BGB), Section 174, 2d sentence).

3.2.6. Take actions (draft, sign, and issue notice letters) which are outside the immediate supervisor's normal personnel management responsibilities. For example, actions resulting from unsuitability for employment, when the determination is based on information in investigation reports and is not directly related to current performance.

3.3. Supervisors at first or higher level will:

3.3.1. Establish standards of conduct (refer to [Attachment 2](#), paragraph [A2.1.](#), Guidelines for Establishing Standards of Employee Conduct) for their area of responsibility and maintain an environment which promotes good employee-management relations, efficiency, productivity, and morale of their employees (see paragraph [9.1.1.](#)).

3.3.2. Keep employees informed of rules of conduct and maintain discipline by observing the principles established in paragraph [2.2.](#)

3.3.3. Analyze disciplinary problems thoroughly to determine and, if possible, remove causes.

3.3.4. Gather, carefully analyze and consider available facts and circumstances before taking or recommending corrective or disciplinary action.

3.3.5. Guide and counsel employees by means of individual interviews or group discussions, when justified by their conduct or attitude, to reduce the need for formal corrective or disciplinary action.

3.3.6. Initiate and take corrective/disciplinary action, as necessary and appropriate; sign and issue notices of formal corrective/disciplinary actions (paragraph [5.2.](#) and [6.](#)).

4. Investigation of Infractions.

4.1. Before initiating a corrective or disciplinary action, the immediate supervisor will thoroughly and objectively investigate alleged violations or offenses. Investigations will, unless prohibited by circumstances of an individual case, include a discussion with concerned employees to obtain their explanations. Consideration will also be given to possible extenuating circumstances, past conduct and duty performance, and whether an employee was provoked into the action. In addition, it should be established whether employees knew, or could reasonably be expected to know, what standard of conduct was expected of them. (refer to [Attachment 2](#), paragraph [A2.3.](#), Guide for Selecting Corrective or Disciplinary Action)

4.2. In case of unexcused absence from work, the immediate supervisor should take appropriate action to determine the reason for the employee's absence not later than the 3rd workday after the last day of active duty. The sample letter in **Attachment 7**, Advance Inquiry, Abandonment of Position, will be used for this purpose unless evidence can be obtained by other means.

4.3. On completion of the initial investigation process, the case will be presented to the next level management official for review and verification that all facts are properly and conclusively established (unless this official is identical with the commander specified under paragraph **3.1.**). On determination of the employee's fault, one of the actions prescribed in paragraph **5.** or **6.** will be taken, as appropriate.

5. Corrective Actions. German labor law and jurisdiction have established that inflicting a penalty upon an employee requires the existence of a penalty ordinance with legal basis in the governing collective agreement. Such a legal basis is not included in the CTA II. Therefore, corrective actions within the meaning of this paragraph can only be considered and used as formal warnings that inform employees of their failure to meet certain obligations resulting from their employment contract, or to comply with established standards of conduct, and of the possible consequences that may result from a repetition of specific infractions. The objective of a corrective action, as opposed to a disciplinary action, is to correct attitudinal problems and misconduct, not to punish or penalize. Action taken should have a constructive effect and motivate affected employees to improve their work habits, attitude, or behavior. To be effective, corrective actions must be timely because results achieved through these means will diminish in proportion to the time elapsed between the offense and the corrective action.

5.1. **Oral Admonishment.** This action is appropriate for minor infractions of established standards of conduct and derelictions in duty performance. In a private discussion, the immediate or a higher level supervisor will inform the employee of the charges against him or her, including a warning as to the possible consequences of repetition. A summary of the interview will be recorded on computer generated AF Form 971, *Supervisor's Employee Brief* (as prescribed in Air Force Pamphlet (AFPam) 36-106, *Supervisors Records*, 20 December 1993). It will be initialed by both parties. The employee's initials do not indicate agreement with the entry content, but only awareness of the entry. The notation shall be destroyed after six months if the desired improvement is evident. The employee will be notified accordingly. Thereafter, no further reference will be made to the incident. Unless screened from the records earlier, documentation of an oral admonishment will be destroyed two years from its effective date.

5.2. Letter of Warning.

5.2.1. Issuance will be appropriate for major infractions of established rules of conduct, or repeated infractions of the same or a different nature. Letters of warning will include (see sample in **Attachment 4**, Letter of Warning):

5.2.1.1. A brief but precise statement of the offenses.

5.2.1.2. Reference to previous offenses, if appropriate, and corrective actions, if applicable.

5.2.1.3. A statement of possible consequences of repeated action on the continuity of the employment contract.

5.2.1.4. Information about the employee's rights to reply to the letter under grievance procedures in USAFEI 36-1201 (see para **8.**), and the temporary retention of the letter of warning, if sustained, in personnel records for a period of 2 years.

5.2.2. Paragraph 7. outlines coordination requirements and procedural instructions to be observed in connection with the issuance and delivery of letters of warning, and documentation in the supervisor's and CPF records.

6. Disciplinary Actions. When the offense is of such a serious nature that retention of the employee would adversely affect the discipline, efficiency, and morale of the employing activity and other employees, formal disciplinary action (separation) may be initiated. This also applies when corrective actions taken under paragraph 5.2. fail to produce desired results. Disciplinary action may consist of separation with ordinary or extraordinary notice, as warranted by the facts and circumstances of the individual case.

6.1. Separation with Ordinary Notice.

6.1.1. This action involves application of notice periods established in CTA II, Article 44, paragraph 1. It will be appropriate unless the prerequisites for serving extraordinary notice (6.2.) are met, and provided application is not precluded by host country law or collective agreement.

6.1.2. Employees served ordinary notice, whose retention in their current position for the duration of the notice period is not feasible, may be detailed to another position in the same or different activity at the same locality to perform a type of work which can be expected of them (CTA II, Article 44, paragraph 2a).

6.2. Separation with Extraordinary Notice.

6.2.1. Dismissing an employee without observance of the notice periods listed in CTA II, Article 44, will be appropriate and justified only if an "important reason" within the meaning of German labor law exists. This condition is met if facts prompting the dismissal are such that management cannot be expected to retain the employee for the duration of a normal notice period, or through the end of a time limited appointment, because such retention would be incompatible with the just interests of the employing activity or organization. CTA II, Article 45, requires that a determination regarding the propriety of extraordinary notice is made after full consideration of all circumstances of the case and weighing the just interests of both management and the employee. Examples of such "important reasons" are listed in Attachment 2, paragraph A2.2., Employee Actions that Normally Breach Standards of Conduct.

6.2.2. Extraordinary notices must be procedurally correct and legally valid, and must be served within 2 weeks from the date the underlying facts are established and known by the management official authorized to decide on and serve the notice (CTA II, Article 45(3)). As a rule, in this context, management official will mean the employee's immediate or higher level supervisor. If conclusive facts supporting the dismissal are developed by investigative agencies, the 2-week time period will start when they are reported to either the installation commander (3.1.), the CPF, or an official in the supervisory chain of command of the employee's activity. German courts have considered facts to be conclusively established, for example, when an employee was heard on the charges and pleaded guilty. Failure on the part of an Air Force investigative officer to promptly relay such information to the responsible management official pending completion of the final investigation report is at management's risk and could result in the two-week deadline being missed. On the other hand, courts have also ruled that an employer must be accorded the right to hear the employee on alleged or proven offenses or infractions as part of the investigative process prior to arriving at a decision. Such hearing must take place without undue delay, normally within a week's time. It will cause the 2-week period to start. The required hearing of the works council

(paragraph 9.2.) must also be initiated and completed within the two-week period allowed for serving the extraordinary notice.

6.3. Dismissal Notices.

6.3.1. Principles and requirements to be observed when serving ordinary or extraordinary notices are detailed in **Attachment 3**. Sample notice letters are provided in **Attachment 5** (Ordinary Notice), **Attachment 6** (Extraordinary Notice), and **Attachment 8** (Abandonment of Position).

6.3.2. Notices will be issued in writing (see paragraph 3.2., 3.3. for signatory authority). If necessitated by special circumstances, for instance, to meet the two-week deadline discussed in 6.2., an extraordinary notice may be served orally, but will be confirmed in writing without delay.

6.3.3. To leave no doubt about management's intent to terminate employment, all extraordinary notices will include precautionary ordinary notice unless this is precluded by special protective rights accorded the employee by law or CTA II.

7. Requirements and Procedures.

7.1. Supervisors will obtain coordination from the servicing CPF on all letters of warning and separation prior to delivery to the employee. This is to assure actions comply with governing requirements. The CPF review covers both merit and procedures. In addition, the CPF is responsible for obtaining works council coordination on the proposed action, when and as required (see paragraph 9.). The reviewing CPF staff member will coordinate on the record copy of the notice or warning letter that is eventually placed in the employee's official personnel folder (OPF), (7.4.). Oral admonishments need not be coordinated with the CPF, although it is recommended that the supervisor discuss the matter with a CPF representative before deciding to issue the admonishment.

7.2. Letters of warning and notices of separation will be prepared in both English and German. If action affects a third-country citizen, the CPF will ensure the contents are clearly understood by the employee.

7.3. Original letters of warning and separation notices should be served personally to the employee, who will be asked to acknowledge receipt on the record copy by date and signature. The employee's written acknowledgment does not indicate agreement with the content, but only receipt of the respective letter. If receipt acknowledgment is refused, the supervisor will make an annotation on the record copy as to when, how, and by whom the letter or notice was delivered. This also applies if the employee is absent from work, cannot be reached at home, or delivery is by mail. If it is necessary to deliver a notice letter by mail to meet a deadline, a method should be used that provides proper documentation.

7.4. Supervisors will keep one copy of a letter of warning on file with the employee's AF Form 971. Record copies of letters of warning and separation notices reflecting coordination and receipt will be forwarded to the CPF, together with other pertinent and supporting documentation.

7.4.1. Documentation of legally effective separation action will be retained in the employee's OPF as a permanent record.

7.4.2. A letter of warning will be retained in the OPF for a period of two years from the date of issuance. For the purpose of suspense control, it will be input to Defense Civilian Personnel Data System (DCPDS). On expiration of the 2-year period, the letter of warning will be removed from

personnel records and destroyed. Thereafter, it may not be referred to in support of other corrective or disciplinary action.

8. Appeals, Grievances, and Court Action.

8.1. Notices of separation, as adverse actions, are appealable under the provisions of USAFEI 36-1201. A statement of appeal rights will be included in such letters, and the employee will be advised as to whom the appeal must be presented.

8.2. A letter of warning is not an adverse action as defined in USAFEI 36-1201. However, employees may file a grievance under provisions of that regulation if they believe the letter of warning is not warranted. A statement of grievance rights will be included in the letter to include information as to whom the grievance must be presented USAFEI36-1201, paragraph 6.2.1., second sentence.

8.3. Employees have the right to challenge the propriety of letters of warning, as well as any adverse personnel action, by filing an appeal with a German labor court. Only the correct, fair, and careful handling of disciplinary problems at all levels of management will ensure such court cases will not reflect adversely on the image and general reputation of the United States Air Force as an employer.

9. Works Council Participation. The German Federal Personnel Representation Law (FPRL) as modified for application by the Sending States Forces and precedent setting judicature provide for participation of works councils in the maintenance of order and discipline at an installation, and the execution of personnel and other actions discussed in this regulation, as follows:

9.1. Works councils have a formal cooperation right in:

9.1.1. The development and modification of general standards, rules, and regulations governing conduct of employees (FPRL, Article 75(3)15).

9.1.2. Terminations of employment by ordinary notice (FPRL, Article 79(1)).

9.2. Works Councils have the right to be heard by management:

9.2.1. On terminations of employment by extraordinary notice (FPRL, Article 79(3)), whereby actions affecting works council members, youth and severely handicapped employee representatives, and, under certain conditions, alternate works council members require concurrence of the respective works council under FPRL, Article 47(1).

9.2.2. When presenting grievances and complaints filed by employees directly with the works council, provided they appear to be justified (FPRL, Article 68(1)3).

9.3. The formal cooperation or hearing process on issues discussed under **9.1.**, and **9.2.** must be completed prior to taking the action.

10. Forms Adopted. AF Form 825, *Notification of Personnel Action (Non-U.S., Germany)*; AF Form 971, *Supervisor's Employee Brief*.

DENNIS J. DEGRAFF, Colonel, USAF
Director, Manpower and Personnel

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFPD 36-7, *Employee and Labor Management Relations*, 11 January 1994

AFI 36-102, *Basic Authority and Responsibility for Civilian Personnel Management and Administration*, 18 February 1994

AFMAN 36-1102, *Base Level Personnel Data System (PDS-C) User Manual*, 1 September 1988

AFPAM 36-106, *Supervisors Records*, 20 December 1993

USAFEI 36-1201, *Grievances and Appeals NON-US Citizen Employees*, 14 November 2002

German Civil Code

Collective Tariff Agreement (CTA II)

Abbreviations and Acronyms

CTA—Collective Tariff Agreement

CPF—Civilian Personnel Flight

FPRL—Federal Personnel Representation Law

OPF—Official Personnel Folder

U.S.—United States

USAFE—United States Air Forces in Europe

Attachment 2**GUIDELINES FOR CONDUCT AND DISCIPLINE****A2.1. GUIDELINE FOR ESTABLISHING STANDARDS OF EMPLOYEE CONDUCT.****A2.1.1. Proper on-duty deportment involving:**

- A2.1.1.1. Attendance and punctuality.
- A2.1.1.2. Personal appearance and habits.
- A2.1.1.3. Application to duty.
- A2.1.1.4. Use of drugs and intoxicants.

A2.1.2. Proper relationships with fellow employees and supervisors involving:

- A2.1.2.1. Cooperation.
- A2.1.2.2. Nondiscrimination (sex, race, religion, handicapping condition, or national origin).
- A2.1.2.3. Behavior commensurate with the specific work environment, such as shop, office, laboratory, service organization, etc.

A2.1.3. Observance of rules and regulations concerning:

- A2.1.3.1. Compliance with work specifications.
- A2.1.3.2. Compliance with safe work practices.
- A2.1.3.3. Compliance with supervisory control and directions.
- A2.1.3.4. Safeguarding of official information.

A2.1.4. Personal integrity involving:

- A2.1.4.1. Use, maintenance, and protection of government property.
- A2.1.4.2. Discharge of official duties and responsibilities.

A2.2. EMPLOYEE ACTIONS THAT NORMALLY BREACH STANDARDS OF CONDUCT.**A2.2.1. Examples of major or serious breaches of conduct are :**

- A2.2.1.1. Overt acts to obtain, release, or otherwise compromise unauthorized, classified security information.
- A2.2.1.2. Habitual use of intoxicants, and use of drugs that lower employee's effectiveness or endangers property or the well being of others; sale of narcotics on Air Force premises or to Air Force personnel.
- A2.2.1.3. Indecent, violent, or abusive acts that cause physical harm to others, produce and promote adverse morale, cause major production deficiencies, or impede maintenance of discipline within the organization.
- A2.2.1.4. Overt misrepresentation, fraud, falsification, exaggeration, or concealment of material facts.

A2.2.1.5. Theft or attempted theft of government or private property.

A2.2.1.6. Conviction for criminal acts that obviate employee's capability to perform duties.

A2.2.1.7. Abandonment of position.

A2.2.1.8. Persistent refusal to carry out legitimate directions and assignments.

A2.2.2. Examples of less severe breaches of conduct are:

A2.2.2.1. Short absences from work without authorized leave.

A2.2.2.2. Loafing on duty.

A2.2.2.3. Nonhabitual drinking of intoxicants on duty. Smoking where smoking is prohibited, and similar acts.

A2.2.2.4. Gambling during duty hours.

A2.3. GUIDE FOR SELECTING CORRECTIVE OR DISCIPLINARY ACTION.

A2.3.1. Selection of appropriate actions in the process of maintaining discipline involves a threefold procedure:

A2.3.1.1. Identification of an actual breach of conduct;

A2.3.1.2. Analysis of the positive and negative circumstances that must be considered before making a decision; and

A2.3.1.3. Selection of the action best suited to the individual case.

A2.3.2. Identification:

A2.3.2.1. Review the basic nature and character of the breach of conduct.

A2.3.2.2. Assess the seriousness.

A2.3.2.3. Determine the actual or potential consequences.

A2.3.3. Circumstances:

A2.3.3.1. Positive aspects tending to lessen the corrective measure:

A2.3.3.1.1. Situation involving possibility for misunderstandings, enticements or provocations, culpabilities of others, and mitigating circumstances.

A2.3.3.1.2. Employee's personal attributes, such as length of service, quality of work history, reputation, past work contributions, past cooperativeness, and record of achievements.

A2.3.4. Negative aspects tending to intensify the corrective measure:

A2.3.4.1. Previous breaches of conduct involving similar or other acts; oral admonishments or warning letters, provided such corrective actions can still be referred to (paragraph [5.1.](#), and [7.4.2.](#)).

A2.3.4.2. Combination of breaches.

A2.3.4.3. Series of improper acts having a cumulative effect.

A2.3.4.4. Recentness and type/character of previous breach of conduct.

A2.3.5. Selection of most appropriate corrective or disciplinary measure after weighing factors such as:

A2.3.5.1. Positive and negative circumstances.

A2.3.5.2. Rehabilitative potential of a corrective measure.

A2.3.5.3. Employee's expressed or implied willingness to achieve and maintain acceptable behavior.

A2.3.5.4. Nature and general importance of the employee's position.

A2.3.6. Final determination on corrective and disciplinary actions must assure that like cases receive similar treatment in consideration of section [A2.2](#).

Attachment 3

PRINCIPLES TO OBSERVE IN ISSUING SEPARATION LETTERS

A3.1. Principles.

A3.1.1. The notice letter is the legal separation document. AF Form 825, *Notification of Personnel Action (Non-U.S., Germany)* (as prescribed in Air Force Manual (AFM) 36-1102, *Base Level Personnel Data System Civilian (PDS-C) User Manual*, 1 September 1988)), subsequently issued is only an administrative confirmation of facts established in the notice letter.

A3.1.2. After completion of required participation of the works council, a notice of separation is legally effective when it is served upon the employee. Thereafter, withdrawal is only possible on mutual consent.

A3.1.3. Notice letters must be clear, brief, and specific as to date and reasons for termination of employment. Simple language is a must.

A3.1.4. Notice letters will not be conditional, for example, hinge on some future action or determination.

A3.1.5. Notice letters must be written to fit the individual action. A patterned or form letter is to be avoided.

A3.1.6. Unnecessary justification and explanation of reasons that led to the separation should be avoided. Moreover, notice letters should be free from extracts of instructions, and other information not immediately pertinent to the case.

A3.1.7. Reference to previous admonishments or letters of warning will be limited to cases where such actions are relevant to and support the separation action.

A3.1.8. All notice letters will contain a statement of employee's appeal rights under USAFE Instruction (USAFEI) 36-1201, *Grievances and Appeals NON-US Citizen Employees*, 14 November 2002, with specific guidance as to where an appeal must be addressed.

A3.1.9. The German translation of a notice letter must be understandable and clear as to the form and intent, since this version will constitute the legal basis if the validity of an action is subject to labor court.

Attachment 4**SAMPLE LETTER OF WARNING****A4.1. Sample format for Letter of Warning.**

MEMORANDUM FOR (Name and Address of Employee)

(Date)

FROM: (Organization/office symbol/address)

SUBJECT: Letter of Warning

1. On 9 February 2006, you were absent from work without leave for a full shift's duration. On 10 February 2006, you were given the opportunity to explain your absence and circumstances that caused it. Your statement that you had overslept in the morning because of prolonged social activities the preceding evening, and that due to a malfunction of your private car, you had no transportation to come to work later during the day, is not an acceptable excuse. It is your responsibility to arrange your off-duty activities so that you can report for work on time. Moreover, you should have been able to report for work later by using available public transportation.
2. This is the third time you have been absent without leave (AWOL) or tardy within the past four weeks. On 26 January 2006, you left your place of work without permission at 1500 after an argument with one of your fellow-workers. On 16 December 2005, you reported for work 2 hours late and had no explanation. On each of these occasions, you were orally admonished and reminded of existing rules and standards of conduct that govern your employment.
3. This is to warn you that any further repetition of violations of the type described above, or other disregard on your part for obligations resulting from your employment contract, may be cause for termination of your employment.
4. If you feel that this letter of warning is unwarranted, you may file a grievance under the procedures established in USAFEI36-1201 within 15 calendar days from receipt. Original presentation of the grievance may be oral or in writing. It must be addressed to (Name of appropriate higher level supervisor; office designation and location). Mr./Ms. (Name of Human Resources Specialist), CPF, telephone extension _____, will answer any questions you may have regarding your grievance rights.
5. In case you elect not to reply, this letter of warning will be retained in your personnel records for a period of two years. The same applies if the validity of the letter of warning is sustained by final decision in a grievance procedure.

(Signature of Supervisor)

Attachment 5

SAMPLE NOTICE LETTER - TERMINATION OF EMPLOYMENT BY ORDINARY NOTICE

A5.1. Sample format for Ordinary Notice.

MEMORANDUM FOR (Name and Address of Employee)

(Date)

FROM: (Organization/office symbol/address)

SUBJECT: Ordinary Notice of Separation

1. You are hereby informed that it is necessary to terminate your employment as (Position Title), by ordinary notice, effective (Date).

2. The decision to separate you is based on

3. Consistent with operational needs, you will be required to take accumulated annual leave during the notice period. (Add appropriate statement if action under paragraph **6.1.2.**, basic instruction, is proposed.)

4. You may appeal this action under the procedures established in (USAFEI 36-1201, within 15 calendar days from receipt of this letter. Your appeal must be in writing and addressed to (Name of official authorized and designated to receive and act on appeal; office designation and location). You can be assured it will receive full consideration. Mr./Ms. (Name of Human Resources Specialist) , CPF, telephone extension_____, will answer any questions you may have regarding your appeal rights. Please note, however, that an appeal will not delay separation action in accordance with this letter nor the expiration of legally established preclusive periods.

(Signature of official authorized to sign adverse action notices, see paragraph **3.**)

Attachment 6

SAMPLE NOTICE LETTER - TERMINATION BY EXTRAORDINARY NOTICE

A6.1. Sample format for Extraordinary Notice.

MEMORANDUM FOR (Name and Address of Employee)

(Date)

FROM:

SUBJECT: Extraordinary Notice of Separation

1. This is to inform you that your employment as (Position Title) will be terminated for important reason effective (Date). If necessary, this letter will also constitute precautionary ordinary notice separation.

2. The decision to separate you is based on

3. You may appeal this action under the procedures established in USAFEI36-1201 within 15 calendar days from receipt of this letter. Your appeal must be in writing and addressed to (Name of official authorized and designated to receive and act on appeal; office designation and location). You can be assured it will receive full consideration. Mr./Ms. (Name of Human Resources Specialist), CPF, telephone extension_____, will answer any questions you may have regarding your appeal rights. Please note, however, that an appeal will not delay separation action in accordance with this letter nor the expiration of legally established preclusive periods.

(Signature of official authorized to sign adverse action notices under paragraph 3.)

*NOTE: Leave off if ordinary notice cannot be applied (paragraph 6.3.3.).

Attachment 7**SAMPLE LETTER - ADVANCE INQUIRY - ABANDONMENT OF POSITION****A7.1. Sample format for Advance Inquiry – Abandonment of Position.**

MEMORANDUM FOR (Name and Address of Employee)

(Date)

FROM: (Organization/office symbol/address)

SUBJECT: Unexcused Absence from Duty

1. Records of this office indicate that you have been absent from duty without leave since (Date).
2. You are herewith requested to immediately report back for duty at your place of work. If, for any reason, you are unable to report, you are requested to contact _____ by most expeditious means, preferably by telephone (extension_____). Failure to report for work or establish contact by (indicate date of workday following actual or computed date of receipt of letter) will result in your separation for abandonment of position.
3. We expect you to furnish a satisfactory explanation for your absence. Failure to provide such explanation will subject you to whatever corrective or disciplinary action is deemed appropriate.

(Signature of Supervisor)

Attachment 8**SAMPLE NOTICE LETTER - TERMINATION OF EMPLOYMENT BY EXTRAORDINARY NOTICE - ABANDONMENT OF POSITION****A8.1. Sample Letter –Termination of Employment by Extraordinary Notice – Abandonment of Position.**

MEMORANDUM FOR (Name and Address of Employee)

(Date)

FROM: (Organization/office symbol/address)

SUBJECT: Extraordinary Notice of Separation

1. Reference is made to letter of this office dated _____. You did not report for work or otherwise inform us of the reasons for your absence within the time specified. You are hereby informed that you will be separated from your position of title of position for abandonment of position effective (Date). *If necessary, this letter will constitute precautionary ordinary notice of separation.

2. You may appeal this action under the procedures established in USAFEI36-1201 within 15 calendar days from receipt of this letter. Your appeal must be in writing and addressed to (Name of official authorized and designated to receive and act on appeal; office designation and location). You can be assured it will receive full consideration. Mr./Ms. (Name of Human Resources Specialist), CPF, telephone extension _____, will answer any questions you may have regarding your appeal rights. Please note, however, that an appeal will not delay separation action in accordance with this letter nor the expiration of legally established preclusive periods.

(Signature of official authorized to sign adverse action notices under paragraph 3.)

*NOTE: Leave off if ordinary notice cannot be applied (paragraph 6.3.3.).