



DEPARTMENT OF THE NAVY
COMMANDER NAVY RESERVE FORCE
1915 FORRESTAL DRIVE
NORFOLK VIRGINIA 23551-4615

COMNAVRESFORINST 12752.2B
N00CP
25 Oct 16

COMNAVRESFOR INSTRUCTION 12752.2B

From: Commander, Navy Reserve Force

Subj: DISCIPLINARY AND PERFORMANCE-BASED ACTIONS

Ref: (a) SECNAVINST 12752.1
(b) CIPOINST 12752.1 CIPO-30
(c) CIPOINST 12430
(d) CIPOINST 12432.1
(e) DODINST 1400.24, Volume 2009
(f) DODINST 1400.24, Volume 2001
(g) DON CHRM, Subchapter 432.1 & 432.2

Encl: (1) Table of Delegated Authority

1. Purpose. This instruction establishes policy and assigns responsibility regarding disciplinary and performance-based actions affecting Commander, Navy Reserve Force (COMNAVRESFOR) civilian personnel. Provisions of Collective Bargaining Agreements take precedence as applicable. This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. COMNAVRESFORINST 12752.2A.

3. Policy

a. Officials may use discipline as a means to correct deficiencies in employee conduct and performance in compliance with references (a) through (g). Discipline is not punitive, but should serve as a deterrent to unacceptable conduct or behavior that interferes with effective operations. Civilian employees will be notified of command disciplinary action policy and the schedule of offenses and recommended remedies. Use of Alternative Dispute Resolution (ADR) techniques to enhance communications and achieve collaborative resolution is encouraged whenever possible.

b. All supervisory and/or management personnel delegated authority to propose and/or decide disciplinary actions shall consult with COMNAVRESFOR Civilian Human Resources (CHR), Code N00CP or the Department of Navy (DON) Civilian Intelligence Personnel Office (CIPO), as applicable, to determine the appropriate remedy and to ensure compliance with requirements specified in references (a) through (g).

4. Conduct and Performance-Based Actions. This paragraph does not apply to employees subject to the Defense Civilian Intelligence Personnel System (DCIPS), references (e) and (f). DCIPS personnel are subject to references (b) through (d).

a. Actions that cannot be grieved per reference (f) or appealed to the Merit Systems Protection Board (MSPB) include oral admonishments, letters of caution and termination of temporary and student aid employees.

b. Actions that can be grieved include letters of requirement, letters of reprimand and suspensions of 14 calendar days or less.

c. Terminations of probationary/trial period employees with less than 1 year of creditable federal service cannot be grieved. These employees have limited MSPB rights. They may appeal a termination based on political affiliation or marital status and a termination based on conditions arising before employment on the grounds that the termination was not in accordance with regulations.

d. Adverse actions include suspensions of more than 14 calendar days, reductions-in-grade or pay, removals, or furloughs of 30 calendar days or less. These employees have full MSPB appeal rights as do trial period employees with 1 year or more of creditable federal service.

e. Performance-based actions include denials of within grade increase (WGI), reductions-in-grade, or pay or removals based solely on unacceptable performance. These are considered adverse actions and are appealable to the MSPB.

5. Procedures. This instruction establishes procedures for COMNAVRESFOR headquarters and its component commands.

6. Delegation of Authority. This instruction establishes delegation of authority for COMNAVRESFOR headquarters and subordinate commands in accordance with references (a) through (e).

a. Authority to impose disciplinary and adverse action is delegated per enclosure (1). Note: Furloughs of more than 30 calendar days or more than 22 non-continuous/non-consecutive days are reduction-in-force actions and are not covered by this instruction.

b. Delegated authority may be exercised by an official "acting" during the absence of the appropriate management authority but shall not be exercised "by direction." Officials taking disciplinary action must have the ability to make an independent decision and not "by direction" from another official.

c. When an otherwise authorized deciding official proposes an action, the next higher official in the chain of command becomes the deciding official.

7. Disallowance of an employee's representative

a. The deciding official has the authority to disallow an employee's choice of representative for actions that are grievable or appealable to the MSPB. For actions not grievable or appealable, the lowest level official authorized to take an action may disallow an employee's choice of representative. In both cases, the next higher level official makes the final decision.

b. An agency may disallow a representative whose representational activities would cause a conflict of interest or position, whose release from his or her official position would result in unreasonable costs or whose priority work assignments preclude his or her release.

8. Action. All addressees will comply with the applicable policy and procedures set forth in this instruction.

9. Records Management. Records created as a result of this instruction, regardless of media or format, must be managed per SECNAV Manual 5210.1 of January 2012.

10. Review and Effective Date. Per OPNAVINST 5215.17A, COMNAVRESFOR will review this instruction annually on the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will automatically expire 5 years after effective date unless reissued or canceled prior to the 5-year anniversary date, or an extension has been granted.



R. K. HUDGENS
By direction

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via COMNAVRESFOR web site, <https://www.navyreserve.navy.mil>

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TABLE OF DELEGATED AUTHORITY

Type Action	Proposing Official	Deciding Official
Oral admonishment	No proposal required	First level supervisor
Letter of Caution	No proposal required	First level supervisor
Termination of temporary appointments (prior to expiration date)	No proposal required	Second level supervisor
Termination of employees serving probationary or trial periods not for pre-appointment reasons	No proposal required	Second Level Supervisor, no lower than Echelon 4 or Deputy Chiefs of Staff/Special Assistant for HQ
Termination of employees serving probationary or trial periods for pre-appointment reasons	Second level supervisors	Third level supervisor no lower than Echelon 4 or Deputy Chiefs of Staff/Special Assistant for HQ
Reduction in grade or reassignment for failure to complete supervisory or managerial probationary period	No proposal required	Second level supervisor no lower than Echelon 4, or Deputy Chiefs of Staff/Special Assistant for HQ
Letter of requirement	No proposal required	First level supervisor
Letter of reprimand	No proposal required	First level supervisor
Suspensions of 14 calendar days or less	First level supervisors	Second level supervisor
Suspensions of more than 14 calendar days, reduction in grade or pay, furlough of 30 calendar days or less, removals	Second level supervisors, Deputy Chiefs of Staff or Special Assistants	Third level supervisor no lower than Echelon 4, or Chiefs of Staff, Executive Director for HQ
Denial of WGI	No proposal required	First level supervisor. Next higher level serves as reconsideration official