

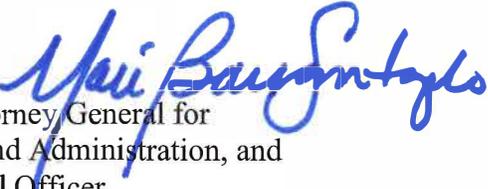


U.S. Department of Justice

Washington, D.C. 20530

April 30, 2018

MEMORANDUM FOR COMPONENT EXECUTIVE OFFICERS AND  
HUMAN RESOURCES OFFICERS

FROM: Mari Barr Santangelo   
Deputy Assistant Attorney General for  
Human Resources and Administration, and  
Chief Human Capital Officer

SUBJECT: Consideration of Misconduct in Making Decisions Regarding  
Awards, Public Recognition, and Favorable Personnel Actions

The purpose of this memorandum is to inform components of the requirement to consider misconduct in making decisions regarding awards, public recognition, and other favorable personnel actions for employees. In order to continue to foster a culture in which misconduct is taken seriously, I am directing components<sup>1</sup> to develop guidelines for consideration of misconduct as discussed below.

Misconduct is an employee's failure to adhere to a workplace rule, code, or standard of behavior, whether written or unwritten. When employees engage in misconduct, it can lower employee productivity and morale, as well as disrupt their co-workers' performance and agency operations. Components must take into account any alleged misconduct that is the subject of a pending investigation by the Office of Inspector General (OIG), Office of Professional Responsibility (OPR), or a component's internal investigative authority or any misconduct that has resulted in disciplinary action when making decisions about awards and other favorable personnel actions, including promotions.

It is understood that each component has diverse missions, operational needs, and varying size and structure, and therefore, each component is in the best position to determine how to implement this directive. Guidance must be issued in writing and communicated to the component's workforce, and be consistent with labor-management responsibilities as outlined in Title V, Chapter 71 of the United States Code, and any applicable collective bargaining agreements. Components may establish new guidelines or revise existing policy and procedures to ensure compliance with this memorandum. Components must submit their guidance to the Director, Human Resources no later than August 31, 2018. Component guidance must address, at a minimum, the following elements:

<sup>1</sup> The term "Component" as used herein refers to an office, board, division or bureau.

Memorandum for Component Executive Officers and  
Human Resources Officers

1. The parameters for cash awards, quality step increases, time-off awards, honorary awards, promotions, and other forms of public recognition.
2. Procedures for considering allegations of misconduct for employees under investigation or who have been recently disciplined for misconduct in making these personnel decisions.
3. The period of time for which past misconduct will be considered.
4. Training for supervisors and managers on performance management and addressing misconduct.
5. A point of contact with whom supervisors and managers can consult when considering misconduct in making award nominations and decisions.
6. The component's method of tracking the number of employees who are subjects of pending investigations, or who have been disciplined for misconduct, and received an award, form of public recognition, or other favorable personnel action.

Components are to conduct annual reviews of guidelines, procedures, and practices to monitor and evaluate their consideration of misconduct when granting awards and taking favorable personnel actions.

1. The review period will encompass the calendar year (January 1 to December 31).
2. Components must certify their compliance with this memorandum to the Director JMD/HR by March 31 of the year following the previous calendar year.
3. Certifications are to be submitted under the signature of the component head of administration.

If you have any questions, please contact Mary Lamary, Director, JMD Human Resources, at (202) 514-4350.