Part 300 - Misuse of the Travel Charge Card

300.0 Purpose

This instruction establishes NRCS guidance for addressing the misuse of travel charge cards issued to NRCS employees.

300.1 Background

A. The Government Travel Charge Card Program

The Government Travel Charge Card Program was developed to procure transportation services, subsistence, and other allowable travel and transportation expenses incurred during official travel. The Travel and Transportation Reform Act of 1998 requires the mandatory use of the Government Travel Charge Card by employees who meet NRCS requirements for issuance of the card.

B. The USDA Guide for Disciplinary Penalties

(1) The USDA Guide for Disciplinary Penalties (Department Personnel Manual Chapter 751, Appendix A) provides a framework to ensure consistent application of disciplinary penalties throughout the Department; however, the range of penalties it provides for misuse of the travel charge card is broad.

(2) Misuse of the Government travel charge card in NRCS has been addressed primarily using one of two charges included in the Guide:

(i) Unauthorized and/or improper use of property, Government or other funds, or any other thing of value coming into an employee's custody as a result of employment (penalty for first offense: 14-day suspension to removal); and

(ii) Use of (or authorizing the use of) employees, or Government owned, leased or provided property, facilities, services or credit cards, for inappropriate or non-official purposes (penalty for first offense: letter of reprimand to removal).

(3) Given the number of NRCS managers nationwide who are responsible for addressing specific instances of misconduct, further definition of the Department's framework is necessary to ensure greater consistency throughout the Agency.

C. This instruction is issued to provide more specific guidance for deciding officials in NRCS who must determine the appropriate penalty for misconduct involving misuse of the Government travel charge card.

300.2 Implementation

This instruction is effective August 17, 2007, and applies to any misuse of the travel charge card occurring after that date.

300.3 Penalty Selection

A. Section 300.4 (below) provides a suggested range of penalties that deciding officials should consider in administering discipline to employees for misusing the travel charge card. The table is not all-inclusive: The absence of a particular type of misuse does not preclude appropriate disciplinary action. The use of a particular penalty is not mandatory simply because it is listed in the table.

B. Deviations from the table are allowable for a variety of reasons. For example, when an employee has repeatedly committed the same offense, even though the employee is being charged with the offense for the first time, it may be appropriate to exceed the maximum suggested penalty. Conversely, there may be occasions when it may be appropriate to assess a penalty below the minimum suggested for the offense. In either event, when assessing a penalty outside the suggested range, there should be a reasonable explanation to distinguish why the penalty is outside the norm. The explanation should be documented in the decision letter.

C. The Employee and Labor Relations Team, Human Resources Management Division, may be consulted regarding the reasonableness of a penalty.

D. Selection of an appropriate penalty involves a responsible balancing of the relevant factors in the individual case. Deciding officials should consider the following factors, often referred to as the Douglas Factors, in selecting the appropriate penalty:

(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 or 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 effect of the offense on the employee's ability to perform at a satisfactory level and its effect on the supervisor's confidence in the employee's ability to perform assigned duties.

(6) The consistency of the penalty with those imposed upon other employees for the same or similar offenses in like or similar circumstances.

(7) The consistency of the penalty with the USDA Guide for Disciplinary Penalties.

(8) The notoriety of the offense or its impact on 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) The potential for the employee's rehabilitation.

(11) The 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 or others.

300.4 Penalty Guide

NATURE OF MISCONDUCT	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Delinquency Payment is 30 days or more past due: Infrequent traveler (≤ 5 trips/year) Frequent traveler (> 5 trips/year)	Letter of Warning Letter of Warning to Reprimand	Reprimand to 7-day suspension Reprimand to 14-day suspension	14- to 30-day suspension 30-day suspension to removal
Misuse Personal purchases, or cash advances, not related to official travel: One transaction/cash advance ≤ $300 One transaction/cash advance > $300 More than one transaction/cash advance. Note: A transaction is a	Reprimand to 14-day suspension 15- to 30-day suspension 60-day suspension to Removal	30-day suspension to Removal 60-day suspension to Removal Removal	Removal Removal

single use of the card regardless of number of items purchased at one time.			
Excessive purchases, or excessive cash advances (as defined by D.R. 2300-001) associated with official travel Advance(s) associated with one trip. Advances associated with more than one trip.	Reprimand to 30-day suspension 60-day suspension to Removal	60-day suspension to Removal	Removal
Allowing/enabling another to use the cardholder's card.	Removal		