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# 5 U.S. Code § 9204 - Adverse action

U.S. Code

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**(a) FIRST VIOLATION.**—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an employee of an agency has violated section 9202, the Director shall—

**(1)** issue to the employee a written warning that includes a description of the violation and the additional penalties that may apply for subsequent violations; and

**(2)** file such warning in the employee's official personnel record file.

**(b) SUBSEQUENT VIOLATIONS.**—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an

employee that was subject to subsection (a) has committed a subsequent violation of section 9202, the Director may take the following action:

- (1)** For a second violation, suspension of the employee for a period of not more than 7 days.
- (2)** For a third violation, suspension of the employee for a period of more than 7 days.
- (3)** For a fourth violation—
  - (A)** suspension of the employee for a period of more than 7 days; and
  - (B)** a civil penalty against the employee in an amount that is not more than \$250.
- (4)** For a fifth violation—
  - (A)** suspension of the employee for a period of more than 7 days; and
  - (B)** a civil penalty against the employee in an amount that is not more than \$500.
- (5)** For any subsequent violation—
  - (A)** suspension of the employee for a period of more than 7 days; and
  - (B)** a civil penalty against the employee in an amount that is not more than \$1,000.

(Added Pub. L. 116–92, div. A, title XI, § 1122(a), Dec. 20, 2019, 133 Stat. 1606.)