



Basic Employee Relations Course

Notice of Agency Decision

An employee may give an answer to the proposal notice orally, in writing, or both. After the employee's answer has been received and considered, a decision must be issued in writing by the deciding official.

The decision notice may be issued no earlier than 30 days after the action is proposed. The decision must be delivered on or before the effective date of the action. Supervisors must ensure employees receive notices in a timely manner or that their actions to attempt delivery constitute an intelligent and diligent effort under the circumstances. Supervisors may deliver notices either personally in the office or by mail. ER Specialists should inform supervisors on how to document delivery, or efforts to deliver the notice, regardless of the method used. For example, if delivered at work the employee may be asked to sign to acknowledge delivery, and appropriate tracking methods should be used for mail delivery.

The following information is included in the content of the decision notice:

- The decision to effect the proposed action, to effect a less severe action, or to take no action. (A less severe action than that proposed may be effected without a new notice, but a more severe action may not.)
- The reasons for the decision with findings on each reason in the notice of proposed action. The decision may be based only on reasons that were included in the notice of proposed action and information provided by the employee in the reply. The invalidation of one or more of those reasons need not invalidate the entire action if the reasons found sustained by the evidence will support action.
- Effective date of the adverse action.
- Appeal and/or grievance rights.