

CAUSES FOR ADVERSE ACTIONS AND DEFINITIONS OF CAUSES 1092.2

(No. 20 October 1990)

The causes for adverse action are based on Government Code section 19572 and 19573. Under 19572, the following causes for discipline are listed:

- (a) Fraud in securing appointment is used when employees falsify information about their education, experience, or health to so great a degree that they would not have qualified for the position. This can also be used when an employee omitted an extensive criminal record with recent serious convictions. This cause is used to cover cheating in examinations or otherwise using illegal help to obtain employment.
- (b) Incompetency is used only when the employee cannot, in the opinion of his/her supervisors, satisfactorily perform the work required of the position.
- (c) Inefficiency is used in the case of the employee who appears to have the necessary ability, but for some reason does not produce in a satisfactory manner or does not see that the work is done. This is frequently used with other causes when it is believed that the inefficiency is related to other failures.
- (d) Inexcusable neglect of duty is used when an employee fails to follow well-known and accepted procedures for the work, is careless, and/or fails to do the work properly or safely.
- (e) Insubordination is used when an employee has shown an outspoken or mutinous attitude toward those in charge or has shown a flaunting disregard of the authority of a supervisor.
- (f) Dishonesty is used for any false information on a sick leave request, expense account, or other official document, and for misappropriation or theft of state property or funds. Collection or reimbursement from the employee for loss of funds should be referred to the Accounting Office.
- (g) Drunkenness on duty is used when there is intoxication on duty but not drinking on duty. An employee who takes drinks during working hours but does not get drunk is normally not charged under this particular cause. In the case of drinking on duty, it may be proper to use (c), (d), (h), or (t).
- (h) Intemperance is used in cases of continued or excessive drinking or use of narcotics. It also applies to angry outbursts, violent actions, or other acts showing lack of moderation.

- (i) Addiction to the use of narcotics or habit-forming drugs--the word "addiction" implies the continued use of drugs or the compulsion to use them.
- (j) Inexcusable absence without leave is used for tardiness (when an employee is docked), for unapproved sick leave or vacation, or for absence from the work area. An absence of five consecutive working days is covered in the Supervisor's Guide ([Section 1091.6.4](#)) under AWOL separations.
- (k) Conviction of a felony or conviction of a misdemeanor involving moral turpitude--the phrase "involving moral turpitude" involves an element of baseness or dishonesty that could cause other persons to hold the person in disrespect. Stealing (whether the conviction is petty theft or grand theft), embezzlement, sexual crimes, use and possession of narcotics and drugs, etc., would involve moral turpitude.
- (l) Immorality--it has never been clearly established whether this particular cause must be connected with immorality at work or not. Unless the immorality comes within one of the other causes, it is better not to base the adverse action on this charge.
- (m) Discourteous treatment of the public or other employees is used to support actions against employees who are rude, abusive, or take violent action against their supervisors or fellow employees or who fail to give the public proper service. It is frequently used with cause (t).
- (n) Improper political activity (and other incompatible activities) is based on Government Code section 19990. Further restrictions are found in the Incompatible Activities Statement. A violation under this cause would also be under cause (r).
- (o) Willful disobedience includes any intentional violation of instructions, orders, rules, or regulations.
- (p) Misuse of state property applies to any case where an employee uses or takes state equipment or property without authorization, damages or loses it through lack of care, uses it for personal business, or demonstrates lack of good judgment in its use. For any of these or other reasons involving misuse of state property when cited as a cause for adverse action, refer to Department of Personnel Administration Rules 599.802 - 599.809 (state-owned vehicles) which defines misuse and describes appropriate action to be taken (including collection for damage).
- (q) Violation of this part or board rule is used if there is a specific section which has been violated in the Civil Service Act (Government Code, Title 2, Division 5, Chapters I- II). State Personnel Board Rule 172 is a "catch-all" and should not be used if there are sufficient other specific causes which apply. It is primarily used for failure to meet conditions of employment (such as license requirements).

- (r) Violation of the prohibitions set forth in accordance with Section 19990--all incompatible activity falls within this cause.
- (s) Refusal to take and subscribe any oath or affirmation which is required by law in connection with the person's employment.
- (t) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the employee's agency or employment.
- (u) Any negligence, recklessness, or intentional act which results in the death of a patient of a state hospital serving the mentally disabled or the developmentally disabled--not applicable to CDF.
- (v) The use during duty hours, for training or target practice, of any material which is not authorized therefore by the appointing power--usually not applicable to CDF.