

CHAPTER 8 - CONDUCT OF EMPLOYEES

SECTION A. GENERAL:

1. Purpose. The provisions of this chapter prescribe the rules of conduct, the disciplinary actions and procedures for them, applicable to personnel utilized under this contract and are intended to:

- a. Correct the employee and to maintain general order and morale within the working place;
- b. Provide like penalties for like offenses; and
- c. Develop on the part of the employee a clear understanding of what constitutes reasonable cause for disciplinary actions.

2. Basic Principles. Employees are required to perform their assigned duties and discharge their delegated responsibilities conscientiously, to conduct themselves in a manner both on and off the job which will reflect credit on the Governments of US and Japan, and themselves, to respect the authority of those directing their work and to observe the spirit as well as the letter of rules, regulations, and agreements governing their conduct. Employees who are in doubt about specific standards of conduct are expected to consult their supervisors who in turn will consult appropriate CORs as necessary.

3. Reimbursement for Loss. No employee shall be required to reimburse Party A for loss of or damage to property as a disciplinary action hereunder.

4. Bilingual Forms. All forms and notices to the employee shall be bilingual.

5. Posting. The provisions of this chapter shall be posted prominently in English and Japanese throughout the working place.

6. Applicability.

a. The provisions of this chapter are applicable to Post-Retirement Employees. When an employee violates any of the rules of conduct provided in Section B during his/her employment period as a permanent employee, the provisions are applicable when the employee is continuously reemployed as a Post-Retirement Employee.

b. The number of all offenses shall be accumulated for the duration of his/her continuous employment period as an USFJ employee.

SECTION B. RULES OF CONDUCT:

The following are rules of conduct applicable to all personnel utilized under this contract:

1. Safeguarding Protected Information. The official records and business of Party A will not be disclosed to anyone or made the subject of conversation outside of the office or area of primary interest, nor in such office or area of primary interest, except so far as necessary to the proper discharge of official duties and then only to authorized persons.

2. Speeches and Articles. Speeches and articles for publication pertaining to the Party A installations and operations, whether in an official or private capacity, are subject to the security regulations of Party A and any applicable requirements for clearance by security and/or information service officials of Party A.

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3. Letters and Petitions. While it is the desire of Party A that employees seek to resolve any problem or grievance locally and within the purview of grievance procedures established for that purpose (See Chapter 12), any employee exercising his/her right to correspond with representatives of the Government of Japan, or higher echelon of command within the USFJ, shall be free from restraint or coercions. However, US Forces materials, equipment, and/or time will not be used by employees in connection with such letters, petitions, and/or representations.

4. Private Employment and Interests.

a. Employees may engage in private employment (with or without compensation), acquire private interests in businesses, hold public office, etc., provided such employment or interests will not:

(1) Interfere with the efficient performance of their duties as personnel utilized by Party A.

(2) Conflict with or give rise to suspicion of conflict with the interests of Party A, or

(3) Bring discredit upon or cause criticism of Party A.

b. Employees who are in doubt about specific standards of conduct are expected to consult their supervisors who in turn will consult appropriate CORs as necessary.

5. Gifts and Services. Employees and applicants will not solicit contributions nor make donations for a gift or present to another employee or official for the purpose of obtaining any form of preferential treatment or consideration. Employees and officials will not solicit or will not accept directly or indirectly any money, or other thing of value for the purpose of having their official decisions or actions influenced thereby, or for giving, procuring, or aiding to procure a position, contract, or any employee to perform personal service not connected with official duties.

6. Canvassing, Soliciting, and Peddling. Fund raising activities among employees on Party A installations are restricted to the solicitation and/or canvassing of voluntary donations for approved non-profit charitable or welfare programs which will be conducted in accordance with the rules established for such projects by each Party A installation. The peddling of merchandises and services among employees on a Party A installation is prohibited.

7. Unauthorized Absence from Duty. Employees are required to obtain approval of any absence from duty. Any absence which is not approved or excused will be charged as absence without leave on the time and attendance report.

8. Gambling. Employees are strictly prohibited from participation in, promotion of, or assisting in gambling activities, organized or otherwise, during duty hours or on Party A facilities and areas.

9. Disorderly Conduct. Employees are strictly prohibited from rude or boisterous play, fighting, stalking, bullying, abuse of power (power harassment), threatening or inflicting bodily harm to another, physical resistance to competent authority; any violent act or disrespectful, abusive, or offensive language; and quarreling, or inciting to quarrel, while on a Party A facilities and areas.

Effective: 8 April 2016

10. Activities by Non-U.S. Organizations and Personnel. In accordance with the provisions of Article III, paragraph 1, of the Status of Forces Agreement, activities by non-United States organizations and personnel within the facilities and areas furnished to the United States by the Government of Japan, will be permitted only as specifically authorized by the responsible United States authorities.

11. Use of Intoxicants and Illegal and/or Controlled Substances. Employees are strictly prohibited from drinking, using, possessing, distributing, or selling intoxicants, illegal and/or controlled substances, during duty hours, or at any time within Party A facilities and areas including authorized lunch periods and/or rest periods occurring during work shift. Employees will not report to duty while under the influence of intoxicants or illegal and/or controlled substances.

12. Government Property. Employees are expected to provide maximum protection to property issued for use in the performance of their duties to include the assurance that the use of such property is for officially authorized purposes only. The loss of, damage to, unauthorized use of, or the willful destruction of government property, records, or information maintained by Party A are prohibited.

13. Sexual Harassment. Employees will not sexually harass others by sexual language and/or behavior which makes other people feel uncomfortable within, or other employees outside Party A facilities and areas.

14. Nepotism. A person who is authorized to approve or influence any personnel action or who, in the performance of his/her duties, makes recommendations or approves the evaluation of another person is prohibited from endorsing or selecting a relative.

15. Discrimination. Employees are prohibited from discriminating against others based on race, color, religion, sex, national or geographic origin, age or handicapping condition. This also includes making racial or ethnic slurs, or disseminating literature containing such slurs.

16. Merchandise Control Violation. Employees are prohibited from purchasing or receiving items for the purpose of resale, the production of income, trade, barter, transfer, delivery, pawning or otherwise disposing of items which have been exempt from customs duties under Article XI of the Status of Forces Agreement between the Government of the United States and Japan. Bona fide gifts received by the employee as an extension of normal social courtesies or those given which are recognized as prevailing practice in Japan as permitted by the law are exceptions. Bona fide gifts will be of nominal value (\$250.00 or less) and are transferred to another without actual or anticipated compensation or special favor.

17. Supervisory Responsibility. Supervisors are required to be creditable and are expected to be models of high standards of ethics. They will behave in an honest, fair, and ethical manner, and show consistency in words and actions when directing and controlling work of employees

18. Others. Employees will not commit offenses provided in Appendix X, in addition to those provided in paragraphs 1 through 17.

Effective: 8 April 2016

SECTION C. AUTHORIZED DISCIPLINARY ACTIONS:

1. Type and Definition. The types and definitions of disciplinary actions that are authorized to be taken against employees who violate any of the provisions of Section B or who committed the offenses provided in Appendix X are as follows:

a. Official Reprimand. An official reprimand is a formal letter to an employee on the subject of misconduct, inadequate performance, or repeated infractions of a lesser nature and corrective action required.

b. Fine. A fine is a temporary reduction in pay of not to exceed one-half of an average day's wage for each offense imposed. The sum of the amounts reduced shall not exceed one tenth of the total wages of the month when such reduction was implemented. When the sum of the amount exceeds 10%, the reduction will be taken from subsequent monthly wages.

c. Suspension. A suspension is a temporary non-pay status and enforced absence from work not to exceed 30 calendar days when range of penalty is up to suspension or not to exceed three months when range of penalty is up to and including removal.

d. Removal. A removal is an enforced termination of employment for an offense.

2. Guidance for Application.

a. Range of Penalties. The appropriate range of penalties for offenses is at Appendix X which provides guidelines for imposing penalties. In addition, the term "official reprimand to suspension" includes the authority to impose a fine; the term "official reprimand to removal" includes the authority to impose a fine or suspension; and the term "fine to removal" includes the authority to impose a suspension.

b. Minimum Required Penalty. The penalty to be imposed shall be the minimum reasonably required. When it is considered that an admonition or verbal reprimand is sufficient to correct the employee, the procedures for penalty need not be followed. Such admonishing action is not considered to be a disciplinary action and the infraction by the employee thus corrected will not be considered an offense within the reckoning period provided hereunder.

c. Evaluation of Offenses. Determination of appropriate disciplinary action will be made by Party A in accordance with this chapter to assure that throughout Party A organizations equitable penalties are imposed, and comparable action is taken in comparable cases. However, Appendix X is not to be applied mechanically. In evaluating offenses and penalties, careful consideration will be given to the circumstances. Consideration will be given to such aspects as the number of repetitions of previous offenses, the degree of seriousness of the offense, the overall or long-range effect of the penalty as well as its immediate effect, elements of enticement and provocation, the work history of the individual and his/her contribution to Party A organizations, his/her reputation in the community, the opportunity for rehabilitation and the extent to which the penalty will serve as a constructive example to other employees.

d. Reckoning Period. The reckoning period means the period immediately following the effective date indicated on the MLC Notice of Remedial Action and such period is determined according to which penalty is imposed for the offense. If additional offenses are committed within such period, the previous offenses, regardless of which offense is committed, shall be reckoned in order to determine how many offenses have been committed by the employee thereafter. The reckoning period for each penalty is indicated in Appendix X. The increase in repeated cases of severe misconducts warrants an increase in reckoning period per each offense upon mutual agreement by Party A and Party B.

e. Prohibition of Multiple Charges. The preferment of more than one charge for a single offense is prohibited. Separate offenses, however, may be included in one set of charges.

f. Combination of Offenses. When an employee commits a combination of offenses as a result of the same act, the penalty for the most serious offense may be imposed. However, the other offense(s) committed as a result of the same act will be considered in determining the degree of penalty to be imposed within the range authorized for the most serious offense.

g. Employee's Denial of Charge. The employee's denial of the charge will not be the basis for increasing the penalty to be imposed.

h. Offenses Not Listed in Appendix X. Offenses not specifically listed in Appendix X will be compared with analogous listed offenses to determine penalties.

i. Charges of More Than Three Times. When an employee is subjected to charges more than three times within the reckoning period, such further offenses will be treated as a third offense for the purpose of the penalty to be imposed.

j. Employee's Reply to Official Reprimand. It is important that full consideration be given to the employee's reply to the official reprimand. Therefore, the proposed official reprimand will be held in suspense pending full consideration of any reply from the employee. If it is determined, from a study of the reply, that the proposed action is not warranted, it will not be made a matter of permanent record and the employee will be so notified. However, if no change is warranted, the official reprimand with the reply will be made a matter of permanent record.

k. Disciplinary Removal. Before disciplinary removal is initiated, the facts and circumstances in an individual case will be carefully analyzed and must support the conclusion that the employee has clearly demonstrated his/her unwillingness or refusal to conform to the rules of conduct. A progression of disciplinary measures will normally be applied in an effort to correct an employee before determination is made to remove him/her; however, in case of a serious offense which makes the continued employment of the employee harmful to Party A, removal action may be taken.

SECTION D. PROCEDURES FOR DISCIPLINARY ACTIONS:

1. Report of Alleged Offense. Except as otherwise provided in this contract, where a responsible Party A official believes administrative remedial action is required and sufficient evidence exists to justify the initiation of such action, a form "MLC Report of Alleged Offense" will be prepared and submitted to the COR. A copy of the report will be furnished to the Director/Chief of Party B's local authority.

a. Where Party B is consulted by the employee on an allegation of power harassment at the workplace by another MLC, MC, or IHA employee, and Party B believes that an administrative remedial action is necessary as a result of Party B's fact finding/interview with the MLC, MC, IHA employees involved, Party B may submit their fact finding report with supporting evidence, if any, to the COR. The COR shall afford the responsible activity Party A official an opportunity to review the report, conduct an internal activity investigation, if necessary, provide comments and a determination as to whether fact finding report from Party B coincides with Party A's fact finding report and evidence. If Party A determines that Party B's fact finding report is consistent with Party A's fact finding report, evidence, and determination; the Party A official will prepare and submit an "MLC Report of Alleged Offense" to the COR. In case the COR determines that an official action is not necessary or fact finding reports are not consistent, Party B shall be notified of such determination.

b. A copy of the "MLC Report of Alleged Offense" with supporting evidence will be furnished to the Director/Chief of Party B's local authority.

2. Investigation. Each report as above will be investigated to determine whether charges will be filed against the employee. The investigating officer will conduct a thorough investigation to determine all the facts available. The investigation will include consultation with the Director/Chief of Party B's local authority. The investigation will also include questioning the employee concerned. The employee will be given the right to present his position, which may include the presentation of written evidence to support his statements. Upon conclusion of the investigation, the investigating officer will submit a full report in writing to the COR together with recommendations as to the filing of charges. A copy of the report will be furnished to the Director/Chief of Party B's local authority.

3. Charge of Offenses. The COR will review and evaluate the complaint, the report of investigation, and the employee's past record to determine whether charges should be filed. Where it is determined to file charges, they will be filed on form "MLC Charge of Offense". However, the COR shall immediately file "MLC Charge of Offense", for offense #11 of Appendix X disorderly conduct, by which the penalty of removal will be charged, as soon as the COR is notified of the fact that an employee was arrested under the Criminal Code of Japan or any other Japanese law or regulation (e.g., burglary, possession of illegal drug, rape, murder, driving under influence of alcohol resulting in personal injury or death, etc.) and which can reasonably be considered as having a detrimental effect upon the morale or discipline of the workforce or workplace. The period of time from when the COR is provided with the MLC Report of Alleged Offense until the time the MLC Charge of Offense is filed shall not exceed sixty days. This period may be extended by mutual agreement. The charges will be served on the employee by the Director/Chief of Party B's local authority. The charges will advise the employee of:

a. The offense(s) charged, stated specifically and in detail to enable the employee to join issue therewith.

b. The possible penalties as set forth in Appendix X for such offense(s).

c. A summary of the complaint, a summary of the evidence, and former offenses within the reckoning period which will be considered.

d. His right to reply in writing in Japanese or in English and to submit additional written evidence in support of such reply to the charges, to Party B within seven days of receipt of such

charges. The Director/Chief of Party B's local authority will indicate the time of receipt on the original of any reply and submit the same to the COR immediately after receipt.

4. Party B Investigation. Where the Director/Chief of Party B's local authority determines to make an independent investigation, Party A representatives will cooperate therein to the fullest extent possible. In such event, the Director/Chief of Party B's local authority will furnish a copy of the report of investigation to the COR. Where a review of the investigation reports reveals material discrepancies as to the facts, the COR will require a further investigation to be made by the investigating officer in cooperation with the Director/Chief of Party B's local authority to reconcile such discrepancies. The period of time from when the Director/Chief of Party B's local authority is provided with the MLC Charge of Offense until the final investigative report is completed shall not exceed sixty days. This period may be extended by mutual agreement.

5. Consultation and Request. The COR will confer with the Director/Chief of Party B's local authority to receive his views as to the guilt of the employee and a reasonable penalty to be imposed. The Director/Chief of Party B's local authority will present his views within seven days of the date set in writing by the COR for such consultation. At the written request of the Director/Chief of Party B's local authority, the above period for consultation may be extended by mutual agreement for a further period of five days. The Director/Chief of Party B's local authority may, during such period, contact appropriate Party A officials in an attempt to bring the above consultations to a satisfactory conclusion. At the conclusion of the above period, or sooner if mutually agreed to, and after full consideration of the complaint, the employee's past record, the reply if any, and the views of the Director/Chief of Party B's local authority, the COR will submit a request for the personnel action required, as provided in paragraph 7 below.

6. Procedure on Request.

a. Effecting Action. Upon mutual agreement or where the Director/Chief of Party B's local authority agrees to the guilt of the employee and where the penalty to be imposed does not involve suspension or removal of the employee, the request for personnel action will be effected as provided in paragraph 7, below. After effecting the action, the Director/Chief of Party B's local authority may refer the matter immediately to the Deputy Director General, Bureau of Policies for Regional Society, MOD for further coordination with the Contracting Officer. Party B reserves its right to refer a disagreement as to the action taken to the United States-Japan Joint Committee within 21 days of the date set for consultation.

b. Suspension of Action. Where the Director/Chief of Party B's local authority does not agree as to the guilt of the employee, or where having agreed to the guilt he does not agree to the penalty of suspension or removal, the Director/Chief of Party B's local authority will advise the Party A representative of their disagreement in writing immediately upon receipt of the request for personnel action. In such cases, action on the request will be suspended and the disagreement will be referred to the Deputy Director General, Bureau of Policies for Regional Society, MOD and the Contracting Officer by the Party A representative and the Director/Chief of Party B's local authority. The Party A representative and the Director/Chief of Party B's local authority will forward their complete file together with a memorandum of the differing views and their reason(s) for disagreement.

c. Resolution of Differences. Upon the written request of Party A, which request will state a date therefore, the Parties will negotiate promptly in good faith to reconcile the conflicting views and reach agreement as to the action to be taken.

(1) Where differences are not reconciled within seven days from the date set for negotiations as above, the Contracting Officer shall reduce his findings to writing and mail or otherwise furnish such findings to the Deputy Director General, Bureau of Policies for Regional Society, MOD; provided, however, that such seven-day period may be extended by mutual agreement; and provided, further, that

(a) Action on findings involving suspension will not be effected for a further period of 14 days from the date of receipt of the findings thereon.

(b) Action on findings involving guilt or removal will not be effected for a further period of 30 days from the date of receipt of the findings thereon.

(2) Upon the expiration of the 14 or 30-day period provided for above, as appropriate, unless the United States-Japan Joint Committee decides otherwise, the COR and the Director/Chief of Party B's local authority will be advised of the findings and action will be taken as provided in paragraph 7 below. Where the United States-Japan Joint Committee renders a decision, action will be taken in compliance therewith.

7. Notice to Employee. The employee will be notified of the findings by the issuance of form "MLC Notice of Remedial Action," which will be delivered to the employee by the Director/Chief of Party B's local authority.

a. Content of Notice. Where it is found that the employee is guilty, the notice will cite the charges and will inform the employee of:

(1) The findings.

(2) The penalty imposed.

(3) The effective date of the penalty.

(4) The length of the reckoning period and the effect of a further offense during that period.

(5) His right to appeal as provided below.

b. Request for Action. A copy of the notice will be furnished the Director/Chief of Party B's local authority together with a request for effecting the penalty imposed on form "MLC Personnel Action Request".

c. Records. Appropriate notations will be entered on the time and attendance record and the employee's personnel records.

8. Temporary Suspension. Where the maximum penalty for the offense is removal and the COR finds that the continued presence of the employee is detrimental to the best interests of Party A as a grave risk to the operation of the working place, personnel, or property therein, the employee may be suspended immediately pending an expeditious investigation and decision as provided above. The Director/Chief of Party B's local authority will be requested immediately to effect any suspension as above. In the event that it is later determined that the employee's presence is no longer detrimental to the best interests of Party A, the employee will be returned to duty. A suspension as above is not considered to be a penalty hereunder. In such instances,

the employee will be paid a non-work allowance for the period of suspension. Where it is later determined that the employee was not guilty of the offense, or if guilty, the penalty imposed is less than removal, the employee will be paid the difference between his regular wages and the non-work allowance for the period of suspension.

9. Appeal. A penalty imposed hereunder may be appealed by the employee under the grievance procedure provided under Chapter 12. Such appeal must be in writing and delivered within seven calendar days after receipt by the employee of the findings which is being appealed. The penalty imposed will be invoked regardless of whether an appeal is taken.

APPENDIX X. TABLE OF OFFENSES AND PENALTIES

Note: Explanations in Appendix X supplement the Rules of Conduct in Section B, Chapter 8.

Effective: 8 April 2016

Number Offense	OFFENSE AND PENALTY		RECKONING PERIOD
1. Absence without leave			
1st	Official reprimand to fine	1 year	
2nd	Official reprimand to suspension		
3rd	Fine to Suspension		
Explanation: Unauthorized or unexcused absence of one or more continuous days. Removal may also be effected in the case a total number of absent days reaches 14 continuous days. (Refer to Offense #2, Abandonment of Position)			
2. Abandonment of Position			
1st	Removal	Indefinite	
Explanation: Unauthorized or unexcused absence of 14 or more continuous days.			
3. Tardiness or Leaving the Workplace Early			
1st	Official reprimand	1 year	
2nd	Official reprimand to fine		
3rd	Fine to suspension		
Explanation: Counseling or an oral admonishment is normally used for a first occurrence of tardiness. Tardiness of one-half hour or more, leaving the job early without permission, delayed return from lunch, unauthorized absence of less than one regularly scheduled work shift.			
4. Failure in Duty			
	4a. Loafing, sleeping on duty, personal business		
1st	Official reprimand	1 year	
2nd	Official reprimand to suspension		
3rd	Fine to Suspension		
	4b. When such action resulted in serious injury, loss of life, or major damage to property		
1st	Suspension to Removal	3 years	
2nd	Removal		
Explanation: Unauthorized or unexcused failure in duty, failure or delay in carrying out work assignment or instruction, such as sleeping on duty, personal reading, personal business and leaving the workplace, which interferes with operations of duties.			
5. Misuse of Government Equipment			
1st	Official reprimand to suspension	1 year	
2nd	Fine to suspension		
3rd	Suspension to Removal		
Explanation: Use of government equipment improperly as outlined in manufacturer's specifications, manufacturer's instructions, headquarters or local orders or instructions, etc. Equipment includes but not limited to computers, motor vehicles, airplanes, tools, office equipment, etc. Offense #8 is the appropriate offense to be used when the misuse results in significant damage to the equipment. When the misuse of government property results in unauthorized disclosure of information, then offense #19 should be used to determine the corrective action required.			
Removal Authority: As an exception to the above, removal may be effected on the first or second offense where the offense is considered to be a grave risk within the context of the military environment because the employee's behavior, direct or indirect, resulted in negatively impacting the morale of the active duty or civilian personnel, bringing harm to personnel or damaging property, the operation of the work place or mission.			
6. Abuse of/False Application of Leave/False Report, etc.			
1st	Official reprimand to suspension	1 year	
2nd	Fine to suspension		
3rd	Suspension to removal		

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Effective: 8 April 2016

Explanation: False application for leave, such as sick leave, not reporting for work under pretext of being sick, presenting falsified medical certificates, altering medical certificates, etc. Failure to request leave according to established procedures. Deliberate misrepresentation; falsification, exaggeration or concealment of a material fact in connection with any official document; withholding of material facts in connection with matters under official investigation.		
Removal Authority: As an exception to the above, removal may be effected on the first or second offense where the offense is considered to be a grave risk within the context of the military environment because the employee's behavior, direct or indirect, resulted in negatively impacting the morale of the active duty or civilian personnel, bringing harm to personnel or damaging property, the operation of the work place or mission.		
7. Indolence		
1st	Official reprimand	1 year
2nd	Official reprimand to suspension	
3rd	Fine to suspension	
Explanation: Intentional delay or failure to carry out assigned work or instructions in a reasonable period of time. Non-performance related.		
8. Loss of Property		
1st	Official reprimand to removal	1 year
2nd	Fine to removal	
3rd	Suspension to removal	
Explanation: Loss of, damage to or destruction of property (including motor vehicles and aircraft), records or information maintained by Party A or the property of others in a Party A facility. When loss or damage is significant and there is deliberate failure in following operational procedures in place or when deliberate misuse of Government property of significant value is involved, removal may be effected on first offense.		
9. Theft		
1st	Official reprimand to removal	Indefinite
2nd	Fine to removal	
3rd	Removal	
Explanation: Actual or attempted misappropriation, theft or cheating (including dishonest receipt) or unauthorized use of the property, records, information, and/or resources maintained by Party A or the property of others in a Party A facility.		
10. Disobedience to Orders		
1st	Official reprimand to suspension	1 year
2nd	Fine to removal	
3rd	Suspension to removal	
Explanation: Deliberate refusal in carrying out any proper order; insubordination, including failure to follow local or higher level policy; refusal to testify or cooperate in an inquiry, investigation, or other official proceeding.		
11. Disorderly Conduct		
	11a. Offensive acts or language which adversely affect production, discipline or morale	
1st	Official reprimand to suspension	1 year
2nd	Fine to suspension	
3rd	Suspension to removal	
	11b. Violent, threatening or criminal behavior	
1st	Official reprimand to removal	Indefinite
2nd	Suspension to removal	
3rd	Removal	

APPENDIX X. TABLE OF OFFENSES AND PENALTIES

Note: Explanations in Appendix X supplement the Rules of Conduct in Section B, Chapter 8.

Effective: 8 April 2016

Explanation: a. Rude, boisterous play which adversely affects production, discipline or morale; use of abusive or offensive language; quarreling or inciting to quarrel; interfering with the production of others. Making false, malicious, or unfounded statements against other employees, supervisors, other officials, or subordinates. b. Fighting, stalking, bullying, abuse of power (power harassment), intimidation, threatening (includes death threat) or inflicting bodily harm on another, possessing dangerous weapons, physical resistance to competent authority or indecent or immoral conduct and acts in violation of Japanese criminal law or local ordinance, while on or off duty; committing a crime and/or acts that may cause discredit upon position or Party A within or outside Party A facility or area.		
12. Violation of Safety Practices and Regulations		
	12a. Failure to observe safety practices	
1st	Official reprimand to suspension	1 year
2nd	Fine to suspension	
3rd	Suspension to removal	
	12b. When failure to observe regulations resulted in serious injury, loss of life, or major damage	
1st	Suspension to removal	3 years
2nd	Removal	
Explanation: Failure to observe safety regulations including failure to use safety equipment such as eye protection devices and failure to comply with hearing conservation program requirements.		
13. Violation of Vehicle Regulations		
	13a. Minor property damage or no injury	
1st	Official reprimand to suspension	1 year
2nd	Fine to suspension	
3rd	Suspension to removal	
	13b. Causing injury to self or others or major property damage	
1st	Official reprimand to removal	3 years
2nd	Suspension to removal	
3rd	Removal	
Explanation: Violation of either Party A or Japanese vehicle safety or traffic regulations on or off duty or on an installation in cases where an employee kills or seriously injures another person while driving recklessly or under influence of alcohol or where he/she is in violation of obligations, such as to aid injured person after a traffic accident and that resulted in killing or seriously injuring another person, removal will be effected for even first or second offense. a. No injury or property damage; not endangering the safety of self or others. b. Causing injury to self or others or damage to property or endangering the safety of self or others.		
14. Use of Intoxicants		
1st	Official reprimand to fine	1 year
2nd	Fine to suspension	
3rd	Suspension to removal	
Explanation: Drinking or selling alcoholic beverages on duty or using uncontrolled substances that produce false feelings of pleasure or hallucination, etc. on Party A facility/area except where authorized. Reporting for duty under the influence of intoxicating liquor or being on duty intoxicated as to be unable to properly perform assigned duties, or to be a hazard to self or others.		
15. Gambling		
1st	Official reprimand to fine	1 year
2nd	Fine to suspension	
3rd	Fine to removal	
Explanation: Participation in, promotion of, or assisting in gambling activities, organized or otherwise, during during duty hours or on Party A facilities and areas.		

APPENDIX X. TABLE OF OFFENSES AND PENALTIES

Note: Explanations in Appendix X supplement the Rules of Conduct in Section B, Chapter 8.

Effective: 8 April 2016

16. Drugs		
1st	Removal	Indefinite
Explanation: Any use, possession or distribution of drugs, etc. (or instruments or devices to administer the same) in a Party A facility/area, or attempting to bring the same into a Party A facility/area. Drugs mean nervous system stimulants, marijuana and habit-forming narcotic drugs.		
17. Bribery		
1st	Official reprimand to fine	1 year
2nd	Fine to suspension	
3rd	Suspension to removal	
Explanation: Soliciting contributions from other government officials, contractors, or employees for gifts or presents. Accepting gifts or presents offered or presented as contributions from persons receiving lower salary, or giving gifts or presents as contributions to those in superior official positions.		
18. Extortion		
1st	Official reprimand to removal	Indefinite
2nd	Suspension to removal	
3rd	Removal	
Explanation: Asking, giving, or attempting to give, accepting or receiving any money, or any check, order, contract, promise, undertaking, gratuity or security for the payment of money, or for the delivery or conveyance of anything of value, with the intent to have his/her decision or action influenced thereby on any question, matter, cause, or proceeding, which may at any time be pending, or which may be brought before him/her in his official capacity, in his/her place of trust, or using intimidation or coercion in connection with the employment of any individual for profit or gain.		
19. Unauthorized Disclosure or Use of Protected Material		
	19a. Unauthorized disclosure or use of sensitive information or other protected material	
1st	Official reprimand to suspension	1 year
2nd	Fine to Suspension	
3rd	Suspension to removal	
	19b. Where it reflected adversely on the integrity of Party A or created a grave risk to the operation	
1st	Fine to removal	Indefinite
2nd	Suspension to removal	
3rd	Removal	
Explanation: a. Unauthorized disclosure or use of information or other protected material. Unauthorized disclosure of information requiring sensitive handling, including data, plans, amounts of money or documents to anyone who does or is asking to do business with a Party A organization or whose business profit would be affected by Party A's decision. b. In the case where such unauthorized disclosure of information would work to the advantage to the person who received the information or where such disclosure would impair the position of, or work to the disadvantage to Party A or a person employed by a Party A organization or embarrass or otherwise reflect adversely on the integrity of Party A. Includes leakage of confidential or classified information obtained in the job which created a grave risk to the operation.		
20. Sexual Harassment		
	20a. Sexual language and behavior acknowledging non-consensual.	
1st	Official reprimand to suspension	1 year
2nd	Suspension to removal	
3rd	Removal	
	20b. Repeat sexual language and behavior acknowledging non-consensual.	
1st	Suspension	Indefinite
2nd	Suspension to removal	
3rd	Removal	

APPENDIX X. TABLE OF OFFENSES AND PENALTIES

Note: Explanations in Appendix X supplement the Rules of Conduct in Section B, Chapter 8.

Effective: 8 April 2016

	20b(1) Causing mental disease from strong mental stress by persisting act.		
1st	Suspension to removal		Indefinite
2nd	Suspension to removal		
3rd	Removal		
	20c. Indecent assault; sexual relationship/act of assault using power as supervisor, etc.		
1st	Suspension to removal		Indefinite
2nd	Removal		
Explanation: Unwelcome sexual advances in front of other people or in secret or forcing a sexual relationship or other sexual language or behavior, which interfere with personal performance of duties or makes other people feel fearful or uncomfortable in case of within Party A facilities, and to other employees if outside Party A facilities and areas. Appropriate penalty depends on the fact/situation in a given case weighed against policy that sexual harassment will not be tolerated. Where conduct created a hostile or offensive work environment, removal is warranted for a first offense.			
21. Nepotism			
1st	Official reprimand to fine		1 year
2nd	Fine to suspension		
3rd	Suspension to removal		
Explanation: Indorsing or selecting of a relative by a person who is authorized to approve or influence any personnel action or who, in the performance of their duties, makes recommendations or approves the evaluation of another person.			
22. Discrimination			
1st	Official reprimand to fine		Indefinite
2nd	Fine to Suspension		
3rd	Suspension to removal		
Explanation: Discrimination based on race, color, religion, sex, national or geographic origin, age or handicapping condition. Also includes making racial or ethnic slurs, or disseminating literature containing such slurs. Consider circumstances and the effect on the person(s) discriminated against, use of abusive language, violent treatment, or insulting demeanor.			
23. Merchandise Control Violation			
1st	Official reprimand to removal		3 years
2nd	Fine to removal		
3rd	Removal		
Explanation: The purchase or receipt of items for the purpose of resale, the production of income, trade, barter, transfer, delivery, pawning or otherwise disposing of items which have been exempt from customs duties under Article XI of the Status of Forces Agreement between the Government of the United States and Japan. Bona fide Gifts received by the employee as an extension of normal social courtesies or those given which are recognized as prevailing practice in Japan as permitted by the law are an exception. Bona fide gifts will be of nominal value (\$250.00 or less) and are transferred to another without actual or anticipated compensation or special favor.			
24. Supervisory Responsibility			
	24a. Improper Supervision		3 Years
1st	Official reprimand		
2nd	Official reprimand to fine		
3rd	Fine to suspension		
	24b. Covered-up/Ignored the Misconduct		Indefinite
1st	Fine to suspension		
2nd	Suspension		
3rd	Suspension		
Explanation: a. Supervisors who had lacked in adequacy of mentorship in management as a supervisor when disciplinary actions, etc. are taken on subordinate(s); b. Supervisors who were aware of subordinate(s)'s misconduct, but had covered-up the fact or ignored the fact.			

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8 February 2016

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