

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 472
OFFERED BY Mr. Takano**

Page 2, line 5, strike “only”.

Page 2, beginning on line 6, strike clauses (i) through (iii) and insert the following:

1 “(i) The nature and seriousness of the offense,
2 and its relation to the covered individual’s duties,
3 position, and responsibilities, including whether the
4 offense was intentional or technical or inadvertent,
5 or was committed maliciously or for gain, or was fre-
6 quently repeated.

7 “(ii) The covered individual’s job level and type
8 of employment, including supervisory or fiduciary
9 role, contacts with the public, and prominence of the
10 position.

11 “(iii) The covered individual’s past disciplinary
12 record.

13 “(iv) The covered individual’s past work record,
14 including length of service, performance on the job,
15 ability to get along with fellow workers, and depend-
16 ability.

1 “(v) The effect of the offense upon the covered
2 individual’s ability to perform at a satisfactory level
3 and its effect upon supervisors’ confidence in the
4 covered individual’s ability to perform assigned du-
5 ties.

6 “(vi) Consistency of the penalty with those im-
7 posed upon other employees for the same or similar
8 offenses.

9 “(vii) Consistency of the penalty with any appli-
10 cable agency table of penalties.

11 “(viii) The notoriety of the offense or its impact
12 upon the reputation of the agency.

13 “(ix) The clarity with which the employee was
14 on notice of any rules that were violated in commit-
15 ting the offense, or had been warned about the con-
16 duct in question.

17 “(x) Potential for the covered individual’s reha-
18 bilitation.

19 “(xi) Mitigating circumstances surrounding the
20 offense such as unusual job tensions, personality
21 problems, mental impairment, harassment, or bad
22 faith, malice or provocation on the part of others in-
23 volved in the matter.

1 “(xii) The adequacy and effectiveness of alter-
2 native sanctions to deter such conduct in the future
3 by the employee or others.

4 “(xiii) Such other factors as the Secretary de-
5 termines appropriate.”.

Page 10, line 21, strike “only”.

Page 10, beginning on line 23, strike subparagraphs
(A) through (C) and insert the following:

6 “(A) The nature and seriousness of the offense,
7 and its relation to the covered individual’s duties,
8 position, and responsibilities, including whether the
9 offense was intentional or technical or inadvertent,
10 or was committed maliciously or for gain, or was fre-
11 quently repeated.

12 “(B) The covered individual’s job level and type
13 of employment, including supervisory or fiduciary
14 role, contacts with the public, and prominence of the
15 position.

16 “(C) The covered individual’s past disciplinary
17 record.

18 “(D) The covered individual’s past work record,
19 including length of service, performance on the job,
20 ability to get along with fellow workers, and depend-
21 ability.

1 “(E) The effect of the offense upon the covered
2 individual’s ability to perform at a satisfactory level
3 and its effect upon supervisors’ confidence in the
4 covered individual’s ability to perform assigned du-
5 ties.

6 “(F) Consistency of the penalty with those im-
7 posed upon other employees for the same or similar
8 offenses.

9 “(G) Consistency of the penalty with any appli-
10 cable agency table of penalties.

11 “(H) The notoriety of the offense or its impact
12 upon the reputation of the agency.

13 “(I) The clarity with which the employee was
14 on notice of any rules that where violated in commit-
15 ting the offense, or had been warned about the con-
16 duct in question.

17 “(J) Potential for the covered individual’s reha-
18 bilitation.

19 “(K) Mitigating circumstances surrounding the
20 offense such as unusual job tensions, personality
21 problems, mental impairment, harassment, or bad
22 faith, malice or provocation on the part of others in-
23 volved in the matter.

1 “(L) The adequacy and effectiveness of alter-
2 native sanctions to deter such conduct in the future
3 by the employee or others.

4 “(M) Such other factors as the Secretary deter-
5 mines appropriate.”.

Page 13, line 5, strike “only”.

Page 13, beginning on line 7, strike clauses (i)
through (vi) and insert the following:

6 “(i) The nature and seriousness of the offense,
7 and its relation to the covered individual’s duties,
8 position, and responsibilities, including whether the
9 offense was intentional or technical or inadvertent,
10 or was committed maliciously or for gain, or was fre-
11 quently repeated.

12 “(ii) The covered individual’s job level and type
13 of employment, including supervisory or fiduciary
14 role, contacts with the public, and prominence of the
15 position.

16 “(iii) The covered individual’s past disciplinary
17 record.

18 “(iv) The covered individual’s past work record,
19 including length of service, performance on the job,
20 ability to get along with fellow workers, and depend-
21 ability.

1 “(v) The effect of the offense upon the covered
2 individual’s ability to perform at a satisfactory level
3 and its effect upon supervisors’ confidence in the
4 covered individual’s ability to perform assigned du-
5 ties.

6 “(vi) Consistency of the penalty with those im-
7 posed upon other employees for the same or similar
8 offenses.

9 “(vii) Consistency of the penalty with any appli-
10 cable agency table of penalties.

11 “(viii) The notoriety of the offense or its impact
12 upon the reputation of the agency.

13 “(ix) The clarity with which the employee was
14 on notice of any rules that were violated in commit-
15 ting the offense, or had been warned about the con-
16 duct in question.

17 “(x) Potential for the covered individual’s reha-
18 bilitation.

19 “(xi) Mitigating circumstances surrounding the
20 offense such as unusual job tensions, personality
21 problems, mental impairment, harassment, or bad
22 faith, malice or provocation on the part of others in-
23 volved in the matter.

1 “(xii) The adequacy and effectiveness of alter-
2 native sanctions to deter such conduct in the future
3 by the employee or others.

4 “(xiii) Such other factors as the Secretary de-
5 termines appropriate.”.

