

300.8

25 November 1943

MEMORANDUM TO: Security Officers**SUBJECT: Action that maybe taken against violatons of Security Regulations.**

1. Under the Espionage Act, 50 USC 32, in order to convict, the person must have intended or had reason to believe that the information disclosed would be used to the injury of the U. S. or to the advantage of a foreign nation.

2. The violation of the oath, as administered to the Civilian Personnel, could not be subject to criminal prosecution, as it is not authorized by law.

3. Under Civil Service Regulation, CPR 60.2, Civilian Personnel, working under Civil Service, can be discharged for cause, "wherever delinquency or misconduct is involved and serious offenses are committed, resulting in embarrassment to the departments"; or for "repeated, intentional violations of safety rules and regulations"; or for failure to observe any written regulation prescribed by competent authority", but the employee must have knowledge of the writer regulation.

(a) 5 USC 652 provides the procedure by which a Civil Service Employee may be removed. This act requires that a statement of the charge, stating time, place, and nature of offense committed, be prepared; that notice of the charges, with a copy thereof must be delivered to person accused, who is given a reasonable time, not to be less than 5 days, to file an answer. The charges and the answer may be supported by Affidavits and Certificates. The Commanding Officer, or his representative reviews the records and rules on whether or not to discharge the employee. A hearing is not required if employee is to be discharged, the Oppointing Officer prepares the form provided and sends a copy of the proceedings to Civil Service Commission.

(b) List of standard penalties for violation of Administrative Regulations where safety of persons or property is not endangered:

1st offense

- (1) Written reprimand, or
- (2) 1 day suspension without pay, or
- (3) Removal

2nd offense

- (1) 2 to 5 days suspension without pay, or
- (2) Removal

3rd offense

- (1) 6 to 10 day suspension without pay, or
- (2) Removal

**For violations of Administrative Regulations
where safety of persons or property is endangered:**

1st offense

- (1) 1 to 10 day suspension
- (2) Removal

2nd offense

Removal