

## U.S. Office of Personnel Management Adjudication System

### Definitions

This system assigns crimes one of four rankings:

1. **Minor:** Issue, standing alone, would not be disqualifying.
2. **Moderate:** Issue, standing alone, would probably not be disqualifying.
3. **Substantial:** Issue, standing alone, may almost certainly be disqualifying.
4. **Major:** Issue, standing alone, would be disqualifying.

### Selecting an Initial Ranking

Listed below are several of the most common crimes and misconduct issues that surface when an employer is screening applicants. The Office of Personnel Management has assigned each of these actions a ranking, which are as follows (NOTE: The ranking of a probation or parole violation is determined by the conduct leading to the violation):

1. Intoxication			
A- Minor	B- Moderate	C- Substantial	D- Major
<ul style="list-style-type: none"> <li>• Drunk</li> <li>• Drunk and disorderly</li> <li>• Liquor law violation (use or possession by a minor)</li> </ul>	<ul style="list-style-type: none"> <li>• Drinking and driving</li> <li>• Driving under the influence</li> <li>• Driving while intoxicated</li> </ul>	<ul style="list-style-type: none"> <li>• Illegal manufacturing</li> <li>• Illegal sale</li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of excessive use:                             <ul style="list-style-type: none"> <li>○ Convictions</li> <li>○ Job performance</li> <li>○ Employment gaps</li> <li>○ Inability to function responsibly</li> <li>○ Medical treatment</li> <li>○ Poor health</li> </ul> </li> </ul>

2. Drug Use			
A- Minor	B- Moderate	C- Substantial	D- Major
<ul style="list-style-type: none"> <li>• Infrequent use or possession of marijuana</li> <li>• Possession of marijuana paraphernalia</li> <li>• Arrested or charged with possession of marijuana</li> </ul>	<ul style="list-style-type: none"> <li>• Regular use or possession of marijuana</li> <li>• Infrequent use or possession of other controlled substances</li> <li>• Possession of drug paraphernalia</li> <li>• Cultivating marijuana for personal use</li> </ul>	<ul style="list-style-type: none"> <li>• Transfer of controlled substance</li> <li>• Possession for sale or resale</li> <li>• Prescription fraud or forgery</li> <li>• Sale of controlled substance</li> <li>• Unlawful dispensing of prescription drugs</li> <li>• Smuggling contraband drug into prison</li> <li>• Regular use of controlled substance other than marijuana</li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of excessive use as reflected in 1D above.</li> <li>• Manufacturing</li> <li>• Addiction</li> <li>• Importing</li> <li>• Trafficking</li> <li>• Cultivating for sale.</li> </ul>

<b>3. Financial Responsibility</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
<ul style="list-style-type: none"> <li>• Bad check</li> <li>• Infrequent, irregular but deliberate delinquency in meeting financial obligations</li> </ul>	<ul style="list-style-type: none"> <li>• Non-support</li> <li>• Judgment, tax lien or other default with no attempt at restitution</li> <li>• Illegal gambling</li> <li>• Eviction</li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of irresponsibility reflected in:                             <ul style="list-style-type: none"> <li>○ Credit history</li> <li>○ Disregard for debt</li> <li>○ Abuse of fiduciary trust</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of irresponsibility as reflected in 3C plus continuing major, valid liabilities</li> </ul>

<b>4. Criminal &amp; Immoral Conduct</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
	<ul style="list-style-type: none"> <li>• Indecent exposure</li> <li>• Solicitation</li> <li>• Voyeurism</li> <li>• Mailing, selling, or displaying obscene material</li> <li>• Obscene phone call</li> <li>• Indecent proposal</li> </ul>	<ul style="list-style-type: none"> <li>• Carnal knowledge</li> <li>• Sodomy</li> <li>• Prostitution</li> <li>• Bigamy or polygamy</li> <li>• Pandering or pimping</li> <li>• Contributing to delinquency or corrupting the morals of a minor</li> <li>• Sexual harassment</li> <li>• Other sexual misconduct with impact on job</li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of misconduct as reflected in conviction records</li> <li>• Child molestation</li> <li>• Sexual assault</li> <li>• Statutory rape</li> <li>• Incest</li> <li>• Bestiality</li> </ul>

<b>5. Honesty</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
<ul style="list-style-type: none"> <li>• Non-material, intentional false statement or deception or fraud in examination or appointment</li> </ul>	<ul style="list-style-type: none"> <li>• Altering</li> <li>• Breaking &amp; entering</li> <li>• Forgery</li> <li>• Fraud</li> <li>• Possession of stolen property</li> <li>• Black market activities (nonprofit)</li> <li>• Petty larceny</li> <li>• Minor stealing or petty theft</li> <li>• Shoplifting</li> <li>• Abuse of property</li> <li>• False statement</li> <li>• Filing false instrument</li> <li>• Failure to file income tax return</li> </ul>	<ul style="list-style-type: none"> <li>• Bribery</li> <li>• Embezzlement</li> <li>• Grand larceny</li> <li>• Grand theft</li> <li>• Mail theft</li> <li>• Robbery (unarmed)</li> <li>• Perjury</li> <li>• False impersonation</li> <li>• Interstate transportation of stolen goods</li> <li>• Black market activities with intent to profit</li> <li>• Income tax evasion</li> <li>• Receiving stolen property</li> </ul>	<ul style="list-style-type: none"> <li>• Pattern of dishonesty as reflected in:                             <ul style="list-style-type: none"> <li>○ Disregard for truth</li> <li>○ Conviction records</li> <li>○ Abuse of trust</li> <li>○ Employment records</li> <li>○ Blackmail</li> <li>○ Counterfeiting</li> <li>○ Extortion</li> <li>○ Armed robbery</li> <li>○ Material, intentional false statement or deception or fraud in examination or appointment</li> <li>○ Deliberate misrepresentation, falsification, or omission of material fact</li> </ul> </li> </ul>

<b>6. Disruptive or Violent Behavior</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
<ul style="list-style-type: none"> <li>Disorderly conduct</li> <li>Disturbing the peace</li> <li>Making a threat</li> <li>Resisting arrest</li> <li>Abusive language</li> <li>Unlawful assembly</li> </ul>	<ul style="list-style-type: none"> <li>Assault</li> <li>Damaging property</li> <li>Destroying property</li> <li>Hit and run</li> <li>Vandalism</li> <li>Criminal or malicious mischief</li> <li>Harassment</li> <li>Cruelty to animals</li> <li>Hindering prosecution</li> <li>Eluding police</li> </ul>	<ul style="list-style-type: none"> <li>Assault and battery</li> <li>Manslaughter (involuntary)</li> </ul>	<ul style="list-style-type: none"> <li>Pattern of violence as reflected in:                             <ul style="list-style-type: none"> <li>Conviction records</li> <li>Disregard for life or property</li> <li>Civil actions</li> <li>Employment records or medical records</li> <li>Aggravated assault</li> <li>Assault with a deadly weapon</li> <li>Assault with intent to rape</li> <li>Kidnapping or abduction</li> <li>Murder</li> <li>Rape</li> <li>Arson</li> <li>Threat or assault on public official</li> <li>Manslaughter (voluntary)</li> <li>Child abuse</li> </ul> </li> </ul>

<b>7. Employment Misconduct or Negligence</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
	<ul style="list-style-type: none"> <li>Insubordination</li> <li>Absenteeism</li> <li>Attendance problems</li> <li>Rules or regulation violations</li> </ul>		<ul style="list-style-type: none"> <li>Pattern of unemployability based on misconduct or negligence as reflected in employment history</li> </ul>

If an employee engaged in other behavior listed in boxes one through five, eight and nine, and this was the reason for termination, raise the ranking by one level. For example, petty theft, a moderate issue by itself, becomes a substantial issue if it was the reason for termination.

<b>8. Firearms &amp; Weapons</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
<ul style="list-style-type: none"> <li>Possession of an unregistered firearm</li> </ul>	<ul style="list-style-type: none"> <li>Possession of a prohibited weapon</li> <li>Possession of illegal ammunition</li> <li>Carrying deadly weapon</li> <li>Unlawful discharge of a firearm</li> </ul>	<ul style="list-style-type: none"> <li>Carrying concealed weapon or firearm</li> <li>Brandishing firearm</li> <li>Possession of firearm by a felon</li> <li>Possession of explosives</li> </ul>	<ul style="list-style-type: none"> <li>Improper or illegal sale or transportation of firearms or explosives</li> <li>Illegal manufacture of firearm or explosives</li> </ul>

<b>9. Miscellaneous</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
<ul style="list-style-type: none"> <li>• Vagrancy</li> <li>• Loitering</li> <li>• Trespassing</li> <li>• Minor traffic violation</li> </ul>	<ul style="list-style-type: none"> <li>• Moderate traffic violation</li> <li>• Contempt of court</li> <li>• Driving motor vehicle without owner's consent</li> <li>• Possession of instrument of crime</li> </ul>	<ul style="list-style-type: none"> <li>• Vehicular homicide</li> <li>• Refusal to furnish testimony as required by 5 CFR 5.4</li> <li>• Tampering with a witness</li> <li>• Harboring a fugitive</li> </ul>	<ul style="list-style-type: none"> <li>• Hatch Act violation</li> <li>• Mutilation or destruction of public records</li> <li>• Engaging in riots or civil disorders</li> <li>• Military desertion</li> <li>• Striking against the Government</li> </ul>

**Upgrading Ranking**

An issue may be elevated to a higher level if it occurs repeatedly or in conjunction with another issue. If an individual is charged with multiple crimes based on one incident there is not an upgrade. Characterize the issue according to the most serious conduct.

<b>Frequency Upgrade</b>	
Two Issues in 0-36 months	Raise both issues one level.
Three or more issues in 0-36 months	Raise all issues two levels (e.g. minor becomes substantial)

**Downgrading Ranking**

Issues can be downgraded due to when they occurred. Any issue that occurred over 108 months (9 years) ago is considered a non-issue under this system.

<b>Determining Recency</b>			
Ranking	Period in Which Issue Occurred		
	0-36 months	37-72 months	73-108 months
A- Minor	No conversion	Downgrade to a non-issue	Downgrade to a non-issue
B- Moderate	No conversion	Downgrade to A- minor	Downgrade to a non-issue
C- Substantial	No conversion	Downgrade to B - moderate	Downgrade to A
D- Major	No conversion	Downgrade to C- substantial	Downgrade to B