

**U.S. OFFICE OF PERSONNEL MANAGEMENT ADJUDICATION SYSTEM**

**Definitions**

This system assigns crimes one of four rankings:

- *Minor:* Issue, standing alone, would not be disqualifying.
- *Moderate:* Issue, standing alone, would probably not be disqualifying.
- *Substantial:* Issue, standing alone, may almost certainly be disqualifying.
- *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 McKenzie County Public School District #1 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):

Some issues will not be considered for downgrading at any time and are deemed unsuitable for employment regardless of length of time since occurrence. The following issues are to be included in this category:

1. Sexual offenses of any nature.
2. Distribution of controlled substances
3. Violence or serious crime against minors

<b>1. Intoxication</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
Drunk Drunk and disorderly Liquor law violation (use or possession by a minor)	Drinking and driving Driving under the influence Driving while intoxicated	Illegal manufacturing Illegal sale	Pattern of excessive use, such as: Convictions Job performance Employment gaps Inability to function responsibly

<b>2. Drug Use</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
Infrequent use or possession of marijuana Possession of marijuana	Regular use or possession of marijuana Infrequent use or possession of other	Transfer of controlled substance Possession for sale or resale Prescription fraud or	Pattern of excessive use as reflected in 1D above. Manufacturing

paraphernalia Arrested or charged with possession of marijuana	controlled substances Possession of drug paraphernalia Cultivating marijuana for personal use	forgery Sale of controlled substance Unlawful dispensing of prescription drugs Smuggling contraband drug into prison Regular use of controlled substance other than marijuana	Importing Trafficking Cultivating for sale.
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<b>3. Financial Responsibility</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
Bad check Infrequent, irregular but deliberate delinquency in meeting financial obligations	Non-support Judgment, tax lien or other default with no attempt at restitution Illegal gambling Eviction	Pattern of irresponsibility as reflected in: Credit history Disregard for debt Abuse of fiduciary trust	Pattern of irresponsibility as reflected in 3C plus continuing major, valid liabilities

<b>4. Criminal &amp; Immoral Conduct</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
	Indecent exposure Solicitation Voyeurism Mailing, selling, or displaying obscene material Obscene phone call Indecent proposal	Carnal knowledge Sodomy Prostitution Bigamy or polygamy Pandering or pimping Contributing to delinquency or corrupting the morals of a minor Sexual harassment Other sexual misconduct with impact on job	Pattern of misconduct as reflected in conviction records Child molestation Sexual assault Statutory rape Incest Bestiality

<b>5. Honesty</b>
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A- Minor	B- Moderate	C- Substantial	D- Major
Non-material, intentional false statement or deception or fraud in examination or appointment	Altering Breaking & entering Forgery Fraud Possession of stolen property Black market activities (nonprofit) Petty larceny Minor stealing or petty theft Shoplifting Abuse of property False statement Filing false instrument Failure to file income tax return	Bribery Embezzlement Grand larceny Grand theft Mail theft Robbery (unarmed) Perjury False impersonation Interstate transportation of stolen goods Black market activities with intent to profit Income tax evasion Receiving stolen property	Pattern of dishonesty as reflected in: Disregard for truth Conviction records Abuse of trust Employment records Blackmail Counterfeiting Extortion Armed robbery Material, intentional false statement or deception or fraud in examination or appointment Deliberate misrepresentation, falsification, or omission of material fact

**6. Disruptive or Violent Behavior**

A- Minor	B- Moderate	C- Substantial	D- Major
Disorderly conduct Disturbing the peace Making a threat Resisting arrest Abusive language Unlawful assembly	Assault Damaging property Destroying property Hit and run Vandalism Criminal or malicious mischief Harassment Cruelty to animals Hindering prosecution Eluding police	Assault and battery Manslaughter (involuntary)	Pattern of violence as reflected in: Conviction records Disregard for life or property Civil actions Employment records or medical records Aggravated assault Assault with a deadly weapon Assault with intent to rape Kidnapping or abduction

			Murder Rape Arson Threat or assault on public official Manslaughter (voluntary) Child abuse
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<b>7. Employment Misconduct or Negligence</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
	Insubordination Absenteeism Attendance problems Rules or regulation violations		Pattern of unemployability based on misconduct or negligence as reflected in employment history
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
Possession of an unregistered firearm	Possession of a prohibited weapon Possession of illegal ammunition Carrying deadly weapon Unlawful discharge of a firearm	Carrying concealed weapon or firearm Brandishing firearm Possession of firearm by a felon Possession of explosives	Improper or illegal sale or transportation of firearms or explosives Illegal manufacture of firearm or explosives

<b>9. Miscellaneous</b>			
A- Minor	B- Moderate	C- Substantial	D- Major
Vagrancy Loitering Trespassing Minor traffic violation	Moderate traffic violation Contempt of court Driving motor vehicle without owner's consent	Vehicular homicide Refusal to furnish testimony as required by 5 CFR 5.4 Tampering with a	Hatch Act violation Mutilation or destruction of public records Engaging in riots or civil disorders

	Possession of instrument of crime	witness Harboring a fugitive	Military desertion Striking against the Government
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**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 15 years ago is considered a non-issue under this system unless it is listed as an item that is not considered for downgrading earlier in this policy. Downgrading ranking involving years shall be calculated at the completion of their parole or probation process.

<b>Determining Recency</b>			
Ranking	Period in Which Issue Occurred		
	0 – 5 years	5 – 10 years	10 – 15 years
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