

**DOUGLAS FACTOR CHECKLIST**

As a manager with authority to take disciplinary and/or adverse action, you must review and consider all of the following Factors. For those Factors that do not apply, just mark "N/A." Any Factor you find as aggravating must be discussed in the proposal notice so the employee will have an opportunity to reply to that negative Factor. Additionally, after receipt and consideration of an employee's reply, you must address any mitigating Factors raised by the employee.

Below is a checklist, which provides a summarization of most of the basic principles of these factors. Your L/ER Specialist can assist you in interpreting these Factors. This checklist may be a useful in determining the "reasonable" penalty.

**FACTOR EVALUATION CHECKLIST**

Your written response for each factor, should address the applicable questions under each section.

SOURCE: FH-0272, p.109  
rcvd 1-15-11

*Mark Deplasco was substituting for Andy Richards (who was detailed to DFW to assist in a high-profile whistleblower case; Google DFW, Anne Whiteman). He had no knowledge of the Lewis-FAA case, and relied entirely on Jason Ralph. Most likely, this Douglas Factors Checklist was actually completed by Jason Ralph. This is the first draft, sent to Ros Marable on 10/6/08; two-days later, Mr. Deplasco sent an updated version with one change: the Factor #12B became: "No, because Mr. Lewis accepts no responsibility for his actions and is not truthful." The final version was never signed, thus never certified.*

The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others. (You must be able to explain why you believe the imposed action is justified and why a lesser penalty would not modify the employee's behavior.)

- A) If removal, why not lesser sanction?
- B) Did you consider other alternative sanctions? If not, why? If so, why did you not mitigate?

Factor 12 – Response:

- A) If Mr. Lewis accepted responsibility for his conduct and actions consideration for a lesser charge could be addressed. Since Mr. Lewis denies almost all allegations, blames others for his misconduct and shows absolutely no remorse or contrition for his conduct a lesser charge is not warranted. This behavior will continue because Mr. Lewis sees no fault or error in his behavior and conduct in the work place.
- B) Mr. Lewis was asked to consider a medical retirement but he refused.

Print  
Name Mark A. DePlasco

I hereby certify that I have considered the twelve (12) Factors as indicated above in making my penalty determination

Signature \_\_\_\_\_ DATE \_\_\_\_\_

SOURCE: FH-0272, p.115 rcd 1-15-11

**Lewis-FAA Case**  
8/2012 FLRA filing  
**Ex. # 48**