



DEPARTMENT OF THE NAVY
NAVAL TRAINING CENTER
GREAT LAKES, ILLINOIS 60088-5000

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NTC GREAT LAKES INSTRUCTION 12431.1

From: Commander, Naval Training Center, Great Lakes

Subj: WITHHOLDING OF WITHIN-GRADE INCREASES

Encl: (1) CPI 431 dated 8 February 1988

1. Purpose. To provide local policies and procedures to implement CPI 431, which is attached hereto as enclosure (1). This subchapter is applicable to all activities receiving services from the Naval Training Center Consolidated Civilian Personnel Office (NTC CCPO).

2. Cancellation. NTCGLAKESINST 12000.2, Chapter V, Subchapter 7.

3. Delegation of Authority. Immediate (first-line) supervisors are hereby delegated the authority to withhold within-grade increases.

4. Procedures

a. The procedures of enclosure (1) are to be followed.

b. Where there is a conflict between enclosure (1) procedures and those contained in a negotiated agreement with an exclusively recognized labor organization, the provisions of the negotiated agreement will take precedence and must be observed.

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NTCGLAKESINST 5216.5H
List V
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DEPARTMENT OF THE NAVY WITHHOLDING OF WITHIN-GRADE INCREASES

File immediately following Chapter 430 of the
Federal Personnel Manual

1. Purpose. To provide Department of the Navy (DON) policy and procedures for withholding within-grade increases (WGIs).

2. Policy. Only a DON General Schedule (GS) employee or Federal Wage System (FWS) employee whose performance rating of record reflects an acceptable level of competence (ALOC) or Satisfactory performance, respectively; and who has not reached the maximum step of his or her grade will be granted a within-grade increase. When the performance of an employee whose WGI was withheld improves and is sustained at an ALOC (GS) or Satisfactory level (FWS), a new performance rating of record will be completed promptly, and the WGI will then be granted.

3. Applicability

a. Covered. This Civilian Personnel Instruction (CPI) applies to all GS employees occupying permanent positions and all FWS employees, who are paid at less than the maximum step of their grades, including:

(1) Employees covered by the Basic Performance Appraisal Program (BPAP).

(2) Employees covered by the Performance Appraisal Review System (PARS).

(3) Employees covered by the Alternative Performance Appraisal System (APAS).

(4) GS-13 through GS-15 employees covered by the performance appraisal procedures only of the Performance Management and Recognition System (PMRS) or APAS.

(5) GS-16 through GS-18 employees covered by the performance appraisal procedures applicable to members of the Senior Executive Service (SES).

b. Excluded. This instruction does not apply to:

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- (1) Members of the Senior Executive Service.
- (2) Individuals appointed by the President.
- (3) GM employees covered by the PMRS.
- (4) Non-appropriated fund employees.

4. Definitions

a. Acceptable Level of Competence (ALOC). Applies to GS employees only and means a rating of record showing:

(1) Performance at a Satisfactory level or better on all critical elements for employees covered by the BPAP, or at the Fully Successful level or better for employees under PARS.

(2) Performance at a Fully Successful level or better on all critical elements, including the Work Plan, for GS employees covered by the performance appraisal procedures only of the PMRS or APAS.

b. Activity. A field installation, headquarters command or office.

c. Critical Element. As defined in CPI 430.

d. Days. Calendar days.

e. Negative determination. A written decision not to grant a WGI.

f. Permanent Position. As defined in Part 531 of Title 5, Code of Federal Regulations (CFR).

g. Performance Standard. As defined in CPI 430.

h. Rating of Record. The official annual or special summary performance rating for pay, performance award and retention purposes.

i. Reconsideration Official. The individual designated to reconsider a negative determination.

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J. Satisfactory Performance. Synonymous with Fully Successful as defined in 5 CFR 430; level three on a five-level summary performance rating system.

K. Work Plan. As defined in CPI 540.

5. Responsibilities

a. Assistant for Administration, Deputy Under Secretary of the Navy (Policy) (AA/DUSN(P)); Commandant of the Marine Corps (CMC); Chief of Naval Operations (CNO); and Chief of Naval Research (CNR). The AA/DUSN(P), CMC, CNO, and CNR are responsible for ensuring that this CPI is implemented in their respective organizations.

b. Director, Office of Civilian Personnel Management (OCPM). OCPM will establish DON-wide policy, procedures and guidance.

c. Regional Directors, Office of Civilian Personnel Management (RD, OCPM) and the CMC (MPC 30). RD, OCPM and CMC (MPC 30) for Marine Corps activities, will provide guidance and assistance to activities with respect to the implementation of this CPI.

d. Activity Heads/Commanders. Activity Heads/Commanders are responsible:

(1) For ensuring that this instruction is implemented within the activity.

(2) For ensuring that the provisions of this instructions are followed when a WGI is granted or denied, and when reconsideration of a negative determination is requested.

(3) For delegating authority to grant or deny a WGI and to reconsider a negative determination as they deem appropriate consistent with the provisions of paragraph 6.

(4) For ensuring that all supervisors are made aware of the provisions of this instruction, and of the procedures within the activity for granting or denying a WGI and for requesting reconsideration of a negative determination.

e. Supervisors. Supervisors are responsible for:

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(1) Notifying an employee of the performance elements and standards required to achieve an ALOC (GS) or Satisfactory performance (FWS) to be granted a WGI.

(2) Ensuring that an employee otherwise eligible for a WGI who has failed to perform at an ALOC (GS) or Satisfactory performance level (FWS) has received or is issued a timely rating of record which supports denial of the WGI, and for initiating action to deny the WGI.

(3) Completing a rating of record which supports granting the WGI and initiating action to grant the WGI should the employee improve and sustain his or her performance at an ALOC or Satisfactory level.

f. Reconsideration Official. The reconsideration official is responsible for:

(1) Reviewing the reconsideration file.

(2) Reviewing the employee's reconsideration request, including granting or denying an extension of the time limit for its filing as provided for by paragraph 8b.

(3) Allowing or disallowing the employee's choice of representative as provided for by paragraph 8a(3).

(4) Hearing the employee's (or his or her representative's) personal presentation, if one is made; preparing a written summary of such a presentation; and allowing the employee or his or her representative to submit written exceptions to the summary for the reconsideration file if desired.

(5) Providing a written decision which considers the employee's written presentation, and personal presentation if one is made; summarizes the results of any investigation conducted; and grants or denies the reconsideration request.

6. Delegation of Authority

a. Activity Heads/Commanders are delegated authority to withhold a WGI under this instruction. Activity Heads/Commanders may redelegate this authority to the lowest practicable level.

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b. Activity Heads/Commanders are delegated authority to serve as reconsideration officials. They may redelegate this authority to the appropriate supervisory or managerial level which is at least one level above the person making the negative determination. An Activity Head/Commander who withholds a WGI shall serve as the reconsideration official.

7. Withholding a Within-Grade Increase

a. A supervisor or manager with delegated authority is responsible for ensuring that a GS employee's performance meets the ALOC, or performance is at least Satisfactory for an FWS employee, before the employee is granted a WGI for which he or she is otherwise eligible.

(1) A WGI will be denied for any covered employee not at the maximum step of his or her grade whose rating of record does not reflect an ALOC for a GS employee or Satisfactory performance for an FWS employee.

(2) A GS employee whose most recent performance rating of record does not support the granting of a WGI may only receive the increase when a new rating of record is completed showing that the employee has demonstrated a sustained ALOC.

(3) An FWS employee's performance rating of record must be Satisfactory or better in order to support granting a WGI. If it is not, the WGI may only be granted upon completion of a new rating of record showing that the employee has demonstrated sustained Satisfactory performance.

(4) If an employee's latest rating of record supports the granting of a WGI, but the employee is no longer performing at an ALOC (GS) or Satisfactory level (FWS), a new rating of record must be completed prior to completion of the waiting period and the WGI denied.

b. When a negative determination is made, a GS employee shall be given the written notice prescribed by 5 CFR 531.409(e) following the completion of the waiting period or other period upon which the negative determination was based. An FWS employee will be given similar written notice. A notice of negative determination should be given to an employee within 30 days after completion of the period upon which the negative determination is based. The negative determination notice shall contain the following:

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(1) The reasons for the negative determination and the specific critical elements, work plan requirements, or objectives, if applicable, that the employee is not performing acceptably and the performance standards necessary to support granting the WGI.

(2) The employee's right to request reconsideration in writing not more than 15 days after receiving the notice and the identity of the reconsideration official.

8. Procedures for Reconsideration of a Negative Determination

a. An employee, upon receipt of a negative determination, shall have the right to:

(1) Submit a written request for reconsideration stating the reasons for contesting the determination.

(2) A reasonable amount of official time, if in a duty status, to review the material relied upon to make the determination and to prepare a response.

(3) Be represented in requesting reconsideration of the negative determination. The reconsideration official may disallow the choice of an individual as a representative which would result in a conflict of interest or position, would result in a conflict with the priority needs of the activity, or would give rise to unreasonable cost to the Government. The terms of any applicable bargaining agreement govern representation for employees in an exclusive bargaining unit.

b. The 15-day time limit to request reconsideration may be extended if the employee was not notified of the time limit and was not otherwise aware of it, or if the employee was prevented by circumstances beyond his or her control from requesting reconsideration within the time limit.

c. The activity will establish a reconsideration file which contains all pertinent documents relating to the negative determination and reconsideration process. This file shall not contain any document that has not been made available to the employee or the employee's representative. This file shall contain, at a minimum, the following:

(1) Employee's rating of record supporting the denial of the WGI.

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- (2) Written negative determination and supporting documentation.
- (3) Employee's written request for reconsideration.
- (4) Report of investigation, if made.
- (5) Written summary or transcript of any personal presentation made and, if submitted, a written exception to the summary by the employee or employee's representative.
- (6) Activity's decision on the request for reconsideration.

d. The employee shall be informed in writing of the decision to either reverse or sustain the negative determination and the right to further review if applicable, as outlined in paragraph 9, below. If the reconsideration official grants the WGI, it shall be retroactive to its original due date.

9. Grievance or Appeal Rights

a. GS Employees

(1) If the Reconsideration Official sustains the negative determination, an employee has the right to appeal the decision to the Merit Systems Protection Board (MSPB) (5 United States Code 5335), unless covered by a collective bargaining agreement which does not exclude these decisions from the negotiated grievance procedure. Employees covered by such collective bargaining agreements may grieve under that negotiated grievance procedure (see also 5 CFR 1201.3(b)).

(2) An employee eligible to appeal to MSPB shall be furnished the time limits for filing an appeal, the address of the appropriate Board Office, a copy of the MSPB's regulations and a copy of the Board's Appeal Form (Optional Form 283).

b. FWS Employees. An employee in a bargaining unit covered by a collective bargaining agreement must use the negotiated grievance procedure unless these decisions are excluded from the negotiated grievance procedure. Non-bargaining unit employees may use the administrative grievance procedure.

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10. Timing of Actions

a. Delay in Determination

(1) An employee's WGI determination shall be postponed at least 90 days when the employee does not have a rating of record for reasons such as:

(a) An employee has not been informed of the specific requirements for performance at an acceptable level of competence (GS) or satisfactory performance (FWS) in his or her current position at least 90 days prior to the end of the waiting period, and has not been given a rating of record in any position within 90 days before the end of the waiting period.

(b) An employee is reduced in grade because of unacceptable performance to a position in which he or she is eligible for a WGI or will become eligible within 90 days.

(2) When a WGI determination has been so postponed:

(a) The employee will be informed in writing of the reason for the postponement, the length of time the rating period will be extended, and the performance requirements necessary to be granted a WGI.

(b) The WGI will be granted retroactively to the beginning of the pay period following the completion of the applicable waiting period, if, following the delay, the employee's performance rating of record supports granting a WGI.

b. Actions After Withholding

(1) When a sustained ALOC has been demonstrated by a GS employee, or sustained Satisfactory performance has been demonstrated by a FWS employee, a new rating of record will be completed promptly and the employee will be granted the WGI at the beginning of the first day of the next pay period after completion of the new rating.

(2) After the initial withholding of the WGI, the activity, at a minimum, shall determine whether an employee's

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performance warrants the WGI no more than 52 calendar weeks following the original eligibility date. If the activity continues to deny the WGI, determinations will be made not later than each 52 calendar weeks thereafter.

(3) Completion of a rating of record showing an ALOC for a GS employee or Satisfactory performance for a FWS employee requires an activity to grant a WGI, it is currently withholding.

c. When, due to administrative error, oversight, or delay, a positive determination is made after the waiting period is complete, the effective date of the WGI shall be retroactive to the original due date.

d. When, for reasons such as listed in paragraph 10c, above, a WGI has been granted where the employee's rating of record prior to the effective date did not reflect an ALOC (GS) or Satisfactory performance (FWS), the activity must so notify the employee and reduce the employee's rate of pay. Such a reduction is not an appealable adverse action (see 5 CFR 752.401(c)(11)). The employee will be issued a notice of negative determination as described in paragraph 7, above.

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