



UNITED STATES MARINE CORPS  
MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION  
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DepO 12431.1  
1B:KSZ:jj  
9 June 1983

DEPOT ORDER 12431.1

From: Commanding General  
To: Distribution List

Subj: Withholding of Within-grade Increases for General Schedule (GS) and Federal Wage System (FWS) Employees

Ref: (a) CPI 431  
(b) FPM Ltr 531-55  
(c) DepO 12430.3A

1. Purpose. To publish information and guidelines incorporating the legal and regulatory changes set forth in reference (a) to be utilized in withholding within-grade increases of civil service GS and FWS employees.

2. Coverage. This Order applies to all GS employees in permanent positions and all FWS employees of MCRD who are not at the top pay steps of their grades. This Order does not apply to employees who are covered by the Merit Pay System.

3. Policy. It is the policy of this Command that within-grade increases will not be granted automatically and that the following conditions must be met:

a. GS Employees. For each within-grade increase granted, the employee's work reflects an acceptable level of competence.

b. FWS Employees. For each within-grade increase granted, the last official performance rating is satisfactory or better.

4. Definitions

a. Acceptable Level of Competence means performance at the satisfactory or better level on all critical elements for employees serving in GS positions. The term acceptable level of competence does not apply to FWS employees.

b. Appraisal is the comparison of an employee's performance of duties and responsibilities with established performance standards.

c. Creditable Service is service which is creditable in the computation of a single waiting period.

d. Critical Element means any requirement of the job which is sufficiently important that inadequate performance of it outweighs acceptable or better performance in other aspects of the job.

e. Days means calendar days.

f. Fact Finder is an individual appointed by the reconsideration official to conduct an inquiry in the issue of the withholding of a within-grade increase.

g. First-Line Supervisors are those delegated authority to appraise employee performance, assign official performance ratings, and certify whether or not performance is at an acceptable level of competence.

h. Negative Determination is a decision not to grant a within-grade increase.

i. Rate of Basic Pay means the rate of pay fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional pay of any kind.

j. Rating is the official performance appraisal of an employee's overall job performance conducted under an official DON performance appraisal plan.

k. Reconsideration Official is the individual designated to reconsider a negative determination of an employee's within-grade increase and to make a final decision on the withholding.

l. Waiting Period means the minimum time requirement of creditable service to be eligible for consideration for a within-grade increase.

m. Withholding Official means that individual authorized to withhold a within-grade increase.

n. Within-Grade Increase means a periodic increase in an employee's rate of basic pay from one step of the grade of his or her position to the next higher step of that grade.

#### 5. Delegation of Authority

a. Withholding Official. Second level supervisors, responsible for reviewing official performance ratings and certifications as to acceptable level of competence, are hereby authorized to withhold within-grade increases.

b. Reconsideration Official. General Staff Officers and Commanding Officers are hereby designated reconsideration officials to consider and approve or disapprove subordinate employees' requests for reconsideration of a withheld within-grade increase when such General Staff Officer or Commanding Officer took no part, either formally or informally, in the original decision to withhold the within-grade increase. In cases where the General Staff Officer or Commanding Officer took part, either formally or informally, in the decision to withhold the within-grade increase the Chief of Staff will serve as reconsideration official. In all cases, except as set forth below, the reconsideration official must be a supervisor of higher level than those who took part, either formally or informally, in the original decision. An exception to the above is, when the Commanding General took part, either formally or informally, in the original decision to withhold the within-grade increase of an employee he will also act as reconsideration official. Requests for reconsideration will not be submitted to a level higher than the Commanding General.

#### 6. Responsibilities

a. First-Line Supervisor. The first-line supervisor is responsible for:

- (1) Establishing and communicating to employees the performance requirements necessary to warrant a within-grade increase.
- (2) Assisting an employee in improving performance when his or her performance falls below a level sufficient to grant a within-grade increase.

b. Withholding Official. The withholding official is responsible for:

(1) GS Employees: Ensuring that within-grade increases are not granted automatically and that for each within-grade increase granted, the employee's work reflects an acceptable level of competence. An employee with a performance rating below an acceptable level of competence as defined in paragraph 4a shall not receive a within-grade increase unless the performance rating does not accurately reflect the performance throughout the entire waiting period. An authorized official must certify in writing that the level of competence is acceptable even though the performance rating is marginal or below in order to grant the within-grade increase. An employee with a performance rating of marginal or below may receive a within-grade increase only when an authorized official certifies in writing that the employee's level of competence is acceptable.

(2) EWS Employees: Ensuring that within-grade increases are not granted automatically without regard to the employee's performance since the last official performance rating and that for each within-grade increase granted, the last official performance rating is satisfactory or better. If the last official performance rating is not satisfactory or better, an authorized official may only grant the within-grade increase upon completion of a new performance rating which supports that decision. Conversely, if the last official performance rating is satisfactory or better, the withholding official may deny the within-grade increase only after completion of a new performance rating which supports the denial.

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

- (1) Establishing a reconsideration file which contains all pertinent documents relating to the negative determination;
- (2) Reviewing the request for reconsideration. At the option of the reconsideration official, such review may consist of the following:
  - (a) Reviewing the reconsideration file;
  - (b) Personally conducting an inquiry and reducing the results of such inquiry to writing;
  - (c) Appointing a fact finder to conduct an inquiry and report the findings of fact in writing to the reconsideration official. The reconsideration official may require the fact finder to make recommendations;
  - (d) Accepting an oral presentation by the employee or employee's representative and transcribing verbatim or summarizing in writing such presentation; or
  - (e) A combination of the above. Reconsideration officials shall not conduct hearings as part of the reconsideration process.
- (3) Determining whether to allow an employee's choice of representative;
- (4) Determining whether to reject untimely filed requests or to extend the time limit for the employee 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;
- (5) Providing the employee with a written final decision to a reconsideration request no later than 30 days following the receipt of the reconsideration request; and
- (6) Transmitting the reconsideration file to the Civilian Personnel Office after making a final decision.

d. Employee. The employee is responsible for submitting a written request for reconsideration to his or her supervisor within 15 days from receipt of the notice of negative determination. The time may be extended by the supervisor upon receipt of a written request from the employee, for circumstances beyond the employee's control, such as illness. The request must clearly set forth all of the reasons that the reconsideration official shall consider. The supervisor will forward the employee's request to the appropriate reconsideration official.

e. Civilian Personnel Officer. The Civilian Personnel Officer is responsible for providing information to employees concerning regulatory procedures and entitlements, and guidance to Depot officials responsible for implementing those regulations.

#### 7. Withholding a Within-Grade Increase

- a. The level of performance required to support a within-grade increase shall be communicated to the employee at the beginning of the appraisal period or within 30 calendar days after entry into the position.
- b. Although reference (b) removed the requirement to furnish GS employees advance written notice of deficiencies which might result in denial of a scheduled within-grade increase, it is both good supervisory practice and a requirement under reference (c) to inform employees whenever performance of a critical element has fallen below an acceptable level.
- c. GS Employees. When it is determined that a GS employee is performing below an acceptable level of competence, he or she shall be given a written negative determination no later than 30 days following the completion of the waiting period. This determination shall contain the following:

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(1) The reasons for the negative determination and the areas in which the employee must improve performance in order to receive a within-grade increase;

(2) An explanation justifying the discrepancy if the negative determination is not supported by the most recent performance rating;

(3) Notice to the employee of his or her right to request reconsideration in writing;

(4) The length of time (15 days from receipt of written notice of negative determination) that the employee has to request reconsideration; and

(5) The name of the official to whom the request for reconsideration is to be submitted.

d. FWS Employees. If an FWS employee has a performance rating of marginal or below, he or she shall be given a written negative determination no later than 30 days following the completion of the waiting period. This determination shall contain the following:

(1) The reasons for the negative determination and the areas in which the employee must improve performance in order to receive a within-grade increase;

(2) Notice to the employee of his or her right to request reconsideration in writing;

(3) The length of time (15 days from receipt of written notice of negative determination) that the employee has to request reconsideration; and

(4) The name of the official to whom the request for reconsideration is to be submitted.

e. It is mandatory that employees being denied a within-grade increase be given the written negative determination no later than 30 days following the completion of the waiting period. If this time limit is not met, supervisors will be required to adjust their records and the within-grade increase will be granted retroactive to the original due date.

f. When an employee receives a negative determination, he or she shall be granted a reasonable amount of official time to review the material relied upon to make the determination and to prepare a response to the determination.

g. An employee has the right to be accompanied, represented and advised by a representative of his or her own choice in preparing a response to the determination. The reconsideration official may disallow the choice of an individual as a representative which 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.

h. If a summary of an oral presentation is made, the employee or his or her personal representative shall be given an opportunity to submit a written exception to the summary which shall be made a part of the reconsideration file.

i. If a negative determination is reversed by the reconsideration official, the effective date of the increase will be the original due date.

j. If a negative determination is sustained for an FWS employee, the employee shall be informed in writing of the reasons for sustaining the negative determination and of his or her right to further review including the right to grieve the negative determination. For FWS employees covered by a collective bargaining agreement, a reconsideration decision that sustains a negative determination is only reviewable in accordance with the terms of the agreement. Other FWS employees not covered by a negotiated contract including nonbargaining unit employees have the right to grieve such determination through the Administrative Grievance Procedure as set forth in DepO 12770.2B.

k. If a negative determination is sustained for a GS employee, the employee shall be informed in writing of the reasons for sustaining the negative determination and of his or her right to further review including:

(1) The right of appeal to the Merit Systems Protection Board (MSPB). However, for a GS employee covered by a collective bargaining agreement, a reconsideration decision that sustains a negative determination is only reviewable in accordance with the terms of the agreement.

(2) The time limits for filing an appeal to MSPB, the address of the appropriate MSPB office for filing the appeal and a copy of the MSPB appeal form.

#### 8. Timing of Actions

a. After a within-grade increase has been withheld, a supervisor may grant the within-grade increase at any time after he or she determines that the employee has demonstrated sustained performance warranting the within-grade increase. After withholding a within-grade increase, the supervisor or withholding official shall, at a minimum determine whether the employee's performance warrants a within-grade increase after each 52 calendar weeks following the original due date for the within-grade increase.

b. If an employee receives an official performance rating, during this waiting period, of satisfactory, the employee is automatically granted the within-grade increase on the first pay period after the effective date of the performance rating. A within-grade increase granted under these circumstances is not retroactive.

c. Except as provided in paragraph d below, a within-grade increase shall be effective on the first day of the first pay period following completion of the required waiting period and shall be in compliance with the conditions of eligibility. When due to administrative error, oversight, or delay, a positive determination is made after the waiting period is completed, the effective date of the within-grade increase shall be retroactive to the original due date.

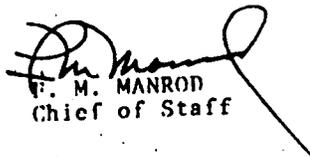
d. When an acceptable level of competence is achieved by a GS employee at some time after a negative determination, the effective date of the within-grade increase is the first day of the first pay period after the acceptable level of competence determination has been made. When an FWS employee reaches a satisfactory or better level of performance at some time after a negative determination, the effective date of the within-grade increase is the first day of the first pay period after an authorized official has given the employee a new performance rating of satisfactory or better.

e. An employee who has not been advised of his or her performance standards at least 30 days prior to the end of the waiting period shall have his or her within-grade increase determination postponed. Such postponements shall not exceed 90 days. A within-grade increase granted after such a postponement shall be retroactive to the original due date.

f. An employee who was reduced in grade because of unacceptable performance to a position in which he or she is or will become eligible for consideration for a within-grade increase within 60 days shall have his or her within-grade increase determination postponed for a period not to exceed 90 days. A within-grade increase granted after such a postponement shall be retroactive to the original due date.

g. Under the circumstances set forth in paragraphs e and f above, the employee shall be informed of the postponement and of specific requirements for performance necessary to warrant a within-grade increase, which must be attained during the 90 day postponement period.

9. Action. All members of this Command, military and civilian, shall comply with the contents of this Order in the withholding of within-grade increases of civil service employees.

  
F. M. MANROD  
Chief of Staff

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