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Article 22

Within-Grade Increases

Section 1. Basis for Granting or Denying

A. Within-grade increases will be granted or denied on the basis of whether an employee attains an acceptable level of competence and meets other statutory requirements. The decision to grant or withhold a within-grade increase must be supported by the employee's most recent appraisal in accordance with Article 21.

B. Denial of a within-grade increase may not be used in lieu of disciplinary action.

C. At any time during the waiting period when a supervisor's evaluation leads to a conclusion that an acceptable level of competence is not being met, the supervisor will provide the employee with performance assistance in accordance with Article 21.

Section 2. Denials

20 After completion of the waiting period, if the within-grade increase is to be denied,
21 the employee will be given the supervisor's official determination in writing. The
22 determination will include:

- 23 A. a statement of the reasons for the negative determination;
- 24 B. identification of the areas in which the employee must improve in order to be
25 granted a within-grade increase;
- 26 C. the right to request a reconsideration not more than 15 days after receiving
27 the negative determination;
- 28 D. the statement: "In accordance with government-wide rules and regulations, an
29 employee must request a reconsideration prior to grieving a WIGI
30 withholding";
- 31 E. the name of the official to whom the employee may submit a request for
32 reconsideration;
- 33 F. the opportunity for the employee to contest, orally and/or in writing, the basis
34 for the negative determination;
- 35 G. that an employee and/or his/her representative in duty status shall be granted
36 a reasonable amount of official time (Union representative) or duty time
37 (employee) to review material relied upon to support the negative
38 determination and to prepare a response to the determination;

39 H. that an extension of the time period for making a reconsideration presentation
40 may be granted upon request to the reconsideration official;

41 I. Language will be added to the Notice of Decision to Withhold Within-Grade
42 Increase which states, "If you wish, you may provide a copy of this Notice to
43 your union representative".

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46 Section 3. Reconsiderations

47 A. When an employee files a request for reconsideration of a negative
48 determination, an employee reconsideration file will be established which
49 shall contain all pertinent documents relating to the negative determination.

50 B. On or before fifteen (15) days following the date of receipt of the employee's
51 presentation or the date of completion of any investigation, whichever is later,
52 the reconsideration official shall issue a notice of decision to the employee.

53 Language will be added to the notice which states: "If you wish, you may
54 provide a copy of this decision to your Union representative". If the negative
55 determination is sustained, the notice of decision shall inform the employee
56 that any grievance filed will enter the grievance procedure at the pre-
57 arbitration stage. The employee has 15 workdays to file a grievance.

58 C. If the decision reverses the negative determination, the within-grade increase
59 shall be effective on the first day of the first pay period following completion of
60 the required waiting period.

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63 Section 4. Redeterminations

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65 When a determination is made that an employee's job-related activities are not at
66 an acceptable level and the determination is final, the determining official may
67 grant the within-grade increase at any time when in his/her judgment the
68 employee has demonstrated sustained total performance at an acceptable level
69 of competence. In such cases, the within-grade increase will be effective the first
70 day of the first pay period after the acceptable determination is made. After
71 withholding a within-grade increase, the determining official shall determine
72 whether the employee's total performance is at an acceptable level of
73 competence within each 26 weeks following the original due date for the within-
74 grade increase unless a favorable decision has been made during the interim or
75 action to demote or remove the employee has been taken. If the new
76 determination is favorable to the employee, the effective date of the within-grade
77 increase will be the first day of the first pay period after the acceptable
78 determination has been made. If the new determination is unfavorable, the
79 employee is entitled to a notice of negative determination and notification of the
80 right to reconsideration in accordance with Section 2 of this article. The parties

81 agree that any appeal to arbitration which may be filed on the basis of a final
82 decision sustaining a negative determination will be combined with any related
83 grievance which may be concurrently in process.

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86 Section 5. Effective Date/Administrative Error

87 A within-grade increase shall be effective on the first day of the first pay period
88 following completion of the required waiting period and the employee meets
89 conditions for eligibility. When, due to administrative error, oversight or delay, a
90 positive determination is made after the waiting period is completed, the effective
91 date of the within-grade increase shall be retroactive to the original due date. In
92 such cases, interest will be paid in accordance with law and applicable
93 regulations.