



STATE OF MARYLAND
MILITARY DEPARTMENT
FIFTH REGIMENT ARMORY
BALTIMORE, MARYLAND 21201-2288

728-3388

MDNG-AG-SPMO

1 June 1986

SPMO POLICY/GUIDANCE LETTER #11

SUBJECT: Within-Grade Increases

SEE DISTRIBUTION

1. Criteria for awarding within-grade increases in the Maryland National Guard will only be awarded to those military technicians who have clearly demonstrated an acceptable level of competence in the position to which they are assigned. (Supervisors who are responsible for approving within-grade increases must assure that the increases are not awarded on a purely automatic basis). The information contained in paragraphs 2 through 7 apply to technicians in General Schedule (GS) positions. Provisions covering Wage technicians are contained in paragraph 8.

2. Basic Requirements - General Schedule (GS). A military technician in a GS position is entitled to a within-grade increase to the next higher step rate of his/her grade if he/she:

- a. Is serving under an appointment that is not limited to 1 year or less;
- b. has completed the required waiting period;
- c. has not received an equivalent increase during the prescribed waiting period; and
- d. has maintained an acceptable level of competence according to paragraph 3.

3. Determining Acceptable Level of Competence:

- a. A military technician is considered to have attained an acceptable level of competence only when his/her performance is adequate in the major aspects of his/her work in relation to reasonable work requirements or the specific performance standards established (either orally or in writing) for

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his/her position. Consider the quantity and quality of work, demonstration of necessary professional and technical knowledge, manual skills, or other essential elements of effective job performance, including requisite personal qualifications and conduct reliability, willingness to cooperate, acceptance of responsibility and initiative that have a direct bearing on job performance. (See enclosure 1 for examples of situations in which within-grade increases could be withheld). The fact that a military technician has a current satisfactory performance rating is not in itself considered as evidence of acceptable level of competence. The determination of acceptable level of competence is made independently of the annual performance rating. A military technician whose performance is consistently marginal in relation to the major aspects of his/her job is not granted a within-grade increase even though his/her performance may not be at a level to warrant an unsatisfactory performance rating.

b. Evaluation of the technician's work to determine an acceptable level of competence is made on an individual basis and on the merits of his/her work during the waiting period. Do not consider the percentage of approved/disapproved within-grade increases within an organization or make determinations on a comparative basis.

c. The determination is not delayed because either the technician or the supervisor is newly assigned to his/her position. If considered necessary and practical, the former supervisor (even though he/she is no longer employed by the Maryland National Guard) may be consulted in making the determination.

d. Within-grade increases are not authorized while a proposed separation or change to lower grade action is pending for reasons of inefficiency or when the technician has been given an advance warning of a possible unsatisfactory performance rating. If the charges or reasons in such proposed actions are resolved in the technician's favor and he/she meets the criteria for an acceptable level of competence for a within-grade increase on its original due date, the within-grade increase is made retroactive. A reprimand, suspension or change to lower grade during the waiting period is a factor to be considered, but the determination is made in relation to the technician's overall performance and not on a single incident or action.

e. A technician whose within-grade increase has been withheld is not automatically eliminated from consideration for promotion.

f. The immediate supervisor discusses with each technician the work requirements of his/her position including the standards he/she must meet with respect to the quantity and the quality of his/her work to be eligible for a within-grade increase. Regardless of whether or not written performance standards are used, the supervisor and the technician must have a clear understanding of the standards that he/she must meet to qualify for a within-grade increase. These discussions are held when the technician is first assigned to his/her position and at appropriate periodic intervals thereafter as needed to motivate the technician to full productivity within his/her capabilities and qualifications. Whenever a technician's work falls

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below an acceptable level of competence or is approaching an unacceptable level, this fact and the aspects of his/her work that requires improvement are discussed with the technician. A record of discussions with the technician are recorded on the Supervisor Employee Record NGB 904-1.

4. Notice of Within-Grade Increase Due:

a. The SPMO will notify the technician's immediate supervisor at least 3 months prior to the end of the required waiting period (See Encl 5).

b. If the immediate supervisor (after consultation with any higher level supervisor, as may be required locally) determines that the technician's work is and probably will continue to be of an acceptable level of competence, he/she retains notification in suspense. During the last pay period in the waiting period, the supervisor, after finally determining that the technician's work is of an acceptable level of competence, completes and signs a clearly understood statement (see Encl 5) that the technician's performance is of an acceptable level of competence and that he/she should be advanced to the next higher step within his/her present grade. The supervisor then obtains the signature of the higher level supervisor who confirmed the original determination (if such confirmation is required locally) and forwards it to the SPMO.

NOTE: If, because of local mail lag time it is advisable to forward the notification to the SPMO prior to the last pay period in the waiting period, it may be forwarded during the next to last pay period in the waiting period.

c. If the immediate supervisor determines that the technician's work is not of an acceptable level of competence, he/she consults with the next higher supervisor in the organization. If concurrence is obtained, the supervisor discusses the matter with the technician and notifies him/her in writing, at least 60 days before the end of the waiting period. There may be instances when the supervisor and the next higher supervisor consider that there is a need for a longer notice period. When such a determination has been made, a notice in excess of 60 days prior to the end of the waiting period would be in order. The written notice tells the technician that his/her within-grade increase will be withheld unless his/her work reaches an acceptable level of competence by the end of the waiting period, and also states what improvements are required to bring his/her work to an acceptable level of competence (see enclosure 2). The supervisor continues to observe and evaluate the technician's performance. Two weeks before the end of the waiting period, he/she determines whether or not the technician's work has reached a level of competence that warrants the within-grade increase. If the technician's performance has improved sufficiently to warrant the increase, the procedure in paragraph 4b above should be followed.

If the technician's performance has not reached an acceptable level, the supervisor discusses the reason for his/her determination with the technician and notifies him/her in writing by the end of the waiting period (see paragraph 4d) that his/her within-grade increase will be withheld. The supervisor then forwards a signed copy of the notification to the SPMO before the date the technician's within-grade increase would otherwise be effective.

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d. The written notice (see enclosure 3) of the determination to withhold a technician's within-grade increase is signed by both the immediate supervisor and second level supervisor. The written notice:

- (1) States the basis for withholding the within-grade increase.
- (2) Refers to the advance notice given and discussed with him/her (see paragraph 4c).
- (3) Advises him/her of the procedure and the time limits for requesting an administrative reconsideration of the negative determination.
- (4) Advises him/her that he/she may, if he/she desires, select a representative of his/her own choosing to assist him/her in presenting his/her request for reconsideration.

e. Failure to give the 60-day advance notice on a timely basis or to notify the technician of a negative determination as provided by paragraph 4d above by the end of the waiting period cannot serve as a basis for granting the within-grade increase. In this case the written notice is given to the technician at the earliest possible date. If the technician does not request reconsideration or if the determination upon reconsideration is unfavorable, a redetermination as provided by paragraphs 5 through 10 must be made within 60 days after the date the technician completed the required waiting period for the increase.

5. Reconsideration of Level of Competence Determination:

a. A technician may request a reconsideration of a determination to withhold his/her within-grade increase. The technician, or his/her representative, must submit the written request within 15 calendar days after the date the technician receives notice that his/her increase was denied. More time is allowed if the technician:

(1) Was not notified of the time limit and was not otherwise aware of it; or

(2) Was unable to submit his/her request within the 15-day period because of uncontrollable circumstances. If required, the technician is permitted up to a maximum of 8 hours official duty time to prepare and submit the request for consideration. In all cases, the technician and his/her representative are free from restraint, interference, coercion, discrimination or reprisal in connection with the presentation of the request.

b. The technician's request for reconsideration is forwarded through the first level supervisor and second level supervisor to the Adjutant General who had no part, formally or informally, in the original decision to withhold the increase. The first and second level supervisors will not make written comments on the technician's request for reconsideration, but will forward the technician's request, with all other correspondence pertaining to the case, to the State Adjutant General. If in the process, either the

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first or second level supervisor determines that, on the basis of additional information provided by the technician, the technician's work is, in fact of an acceptable level of competence, the first level supervisor completes and signs the statement referred to in paragraph 4 and forwards to the SPMO.

The request for reconsideration is considered satisfied and is returned to the technician with notification of the decision to grant the increase. If, however, the first or second level supervisor determines that the original decision is still valid, the State Adjutant General reviews the technician's request along with the facts constituting the basis for the initial and subsequent determinations. The technician is given this opportunity to state, either orally, in writing, or both, the reasons he/she believes the initial determination should be reconsidered. A decision is made by the Adjutant General within 30 calendar days from receipt of the technician's request for reconsideration. Action is then taken according to paragraph 5c below.

c. If the determination upon reconsideration is favorable to the technician, he/she is advised, and the statement referred to in paragraph 4b, is completed and signed by the official making favorable determination and is forwarded to the SPMO. The technician's within-grade increase is processed in the usual manner and is made effective at the beginning of the pay period following the date the required waiting period was completed.

6. Technician Reconsideration File. When a technician files a request for reconsideration of a determination to withhold his/her within-grade increase, a Technician Reconsideration File is established in the SPMO. If the technician later appeals the determinations made as a result of the reconsideration to OPM, the decision will be based on the information contained in the Technician Reconsideration File. Therefore, the Support Personnel Management Officer and supervisors must ensure that the information accumulated in the file is as complete as possible. As a minimum, the following material, provided by supervisors concerned, is included in the file:

a. All pertinent documents relating to the initial determination to withhold the technician's increase, including copies of the advance notice.

b. The technician's request for reconsideration.

c. The report of investigation, if one was made.

d. A written summary or transcript of any personal presentation made (a copy of this document must be made available to the technician or his/her representative with an opportunity to submit written exception).

e. A copy of the decision on the technician's request for reconsideration.

7. Redetermination of Within-Grade Increase Withheld:

a. The technician's supervisor may make a new determination authorizing a previously denied within-grade increase whenever the technician's work

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performance reaches an acceptable level of competence. The supervisor will assist the technician in improving his/her work performance so that a favorable redetermination of level of competence may be made as soon as possible.

b. If, at any time within 52 weeks after the decision to withhold the increase, the supervisor determines that the technician's work has reached an acceptable level of competence, he/she notifies the SPMO. The SPMO then accomplishes the action as required in paragraph 4a. The supervisor then takes action as required in paragraph 4b. The within-grade increase is made effective on the first day of the pay period beginning on or after the date of the new determination.

c. The determination to withhold a technician's within-grade increase must be reviewed within 52 calendar weeks after the date it was initially denied and each 52 calendar weeks thereafter as long as the technician remains in the position. The SPMO prepares a new notification and forwards it to the supervisor 2 weeks before the end of the 52 calendar week period. If the increase is approved, the procedure in paragraph 4b is followed. If the technician's performance is still not of an acceptable level of competence, within 2 weeks the supervisor will notify him/her, in writing, of the reasons for further withholding his/her increase and of his/her right to request reconsideration.


d. If the technician's work does not improve to the level to warrant a favorable redetermination within 1 year after his/her within-grade increase was initially withheld, consideration should be given to assigning the technician to another line of work for which he/she is qualified.

8. Basic Requirements - Wage Technicians. Any technician who is serving in a position subject to the provisions of the FWS or other wage system, regardless of the tenure of his/her appointment, is entitled to a within-grade increase to next higher step rate of his/her grade if:

- a. He/she has completed the required waiting period;
- b. he/she has not received an equivalent increase during the prescribed waiting period; and
- c. his/her performance in his/her position is satisfactory. (A technician's performance is satisfactory when he/she achieves or maintains a performance rating of satisfactory or better as recorded on the most recent official NGB 430-1(T).

FOR THE ADJUTANT GENERAL:

5 Enclosures


ELMER S. KEPPLER
Lt Col, MdANG
Personnel Officer

DISTRIBUTION:

All Full-Time Support Managers/
Supervisors (Army and Air)

EXAMPLES OF SITUATIONS IN WHICH
WITHIN-GRADE INCREASES MAY BE WITHHELD

1. A technician whose work performance is consistently marginal is given a satisfactory performance rating but is told that his/her work is barely above the level that would be considered unsatisfactory. His/her deficiencies and shortcomings have been discussed with him/her, and he/she has been told how to improve his/her work if it is to be considered above the marginal category.
2. A technician was given a satisfactory performance rating 6 months ago, but since then his/her work has fallen off to the point where he/she is not doing all that is expected of a fully trained member of the staff. The technician's deficiencies have been discussed with him/her.
3. A technician meets the minimum work standards set for him/her but he/she is careful never to exceed these standards, regardless of work pressures, and he/she frequently creates problems in the office (such as refusing to cooperate with other technicians in carrying out joint work assignments). This has been discussed with him/her.
4. A technician whose work has been entirely adequate has become careless to the point that he/she cannot be depended on to produce an acceptable product each time. His/her supervisor has discussed the problem with him/her in an attempt to keep his/her work from deteriorating to the point where it is clearly unsatisfactory.

SAMPLE LETTER - WITHIN-GRADE PAY INCREASE

(Office Symbol)

(Date)

SUBJECT: Within-Grade Pay Increase

TO: (Name, organization)

1. Section 5335, Title 5, of the USC as amended, provides that before a technician may receive a within-grade salary increase his/her work must be of an acceptable level of competence.
2. During the past 4 months there has been a noticeable increase in the number of errors and lack of timeliness in the preparation of the Morning Reports for your company. You have been advised of the importance of the accuracy and timeliness in the preparation of the Morning Reports on several occasions in the past.
3. Unless by 7 August 1986, your accuracy improves to the point of 100 percent agreement with Part II of the report, and unless your reports are submitted to my office not later than 0900 hours the day following a scheduled UTA or MUTA, I will not consider your performance to be of an acceptable level of competence. In this case, your within-grade increase will not be granted even though your waiting period ends on 8 August 1986. I again suggest that you stop by my office if you have any questions regarding the preparation of the Morning Report. Further, I would suggest that you review AR _____ to ensure that you understand the method in which a Morning Report should be prepared.
4. This notice confirms our discussion of this date concerning the improvement needed to bring your performance to an acceptable level of competence.

(Immediate Supervisor's Signature)

SAMPLE LETTER - DECISION TO WITHHOLD WITHIN-GRADE INCREASE

SUBJECT: Decision to Withhold Within-Grade Increase

TO: (Name, organization)

1. On 8 June 1986, I advised you orally and in writing that unless your timeliness and accuracy in the preparation of the Morning Reports improved by 7 August 1986, I would not consider your performance as being at an acceptable level of competence and would withhold the within-grade increase for which you otherwise become eligible on 9 August 1986. It has been determined that your increase will be withheld for the reasons given in paragraph 2.

2. During the period 8 June 1986 through 7 August 1986, I have carefully reviewed the Morning Reports that you have prepared and have noted that the accuracy of your reports has improved to an acceptable level. However, the timeliness of the reports has not improved; in fact, the timeliness has deteriorated.

Specifically, in the past your Morning Report were, on an average, three days late; now that your accuracy has improved the reports are at least one week late after each scheduled UTA or MUTA. The timeliness of these reports has been discussed with you during this period and each time you stated that you have had trouble in determining the status of unit members and that you were uncertain as to where to place numbers on the Morning Report.

3. You may request administrative reconsideration of this decision. You may, if you desire, select a representative of your own choosing to assist you in presenting your request. Submit such request, in writing, to the undersigned within 15 calendar days from receipt of this notice.

(Signature) (Date)
(First Line Supervisor)

(Signature) (Date)
(Second Line Supervisor)

SAMPLE LETTER - RECONSIDERATION OF DECISION TO WITHHOLD WITHIN-GRADE INCREASE

(Office Symbol)

(Date)

SUBJECT: Reconsideration of Decision to Withhold Within-Grade Increase

TO: (Name, organization)

1. The decision to withhold your within-grade increase, because your performance was not at an acceptable level of competence, has been reconsidered in accordance with your written request of 20 August 1986.
2. The errors you make are, by your own admission, caused by your unconcern in the preparation of the Morning Reports and your refusal to read governing directives. You occupy a position of considerable responsibility and you should exert the effort, through the review of AR _____, to reach an acceptable level of competence. While your current rate of error is not considered serious enough to warrant demotion or separation, it is not good enough to warrant a change in decision to withhold your within-grade increase.
3. Your future performance will be continually observed. You will be assisted in improving your work performance so that a favorable redetermination can be made as soon as possible. The determination to withhold your within-grade increase will be reviewed no later than 52 calendar weeks from the date the increase was initially denied. If a redetermination is favorable to you, the within-grade increase will become effective the first pay period beginning on or after the date of the redetermination.
4. This decision is final and is not subject to reconsideration through the State Grievance Procedure unless procedural noncompliance can be shown. In such case a technical review will be conducted. If you are dissatisfied with this decision you may, within 15 days from receipt of the decision, appeal to The Adjutant General of Maryland, 5th Regiment Armory, 29th Division Street, Baltimore, Maryland 21201-2288.

(Signature)