



United States
Department of
Agriculture

Food Safety
and Inspection
Service

FSIS Directive
4531.1

Revision 4

Within-Grade Increase

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UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

4531.1
REVISION 4

5/27/03

WITHIN-GRADE INCREASE

PART ONE—BASIC PROVISIONS

I. PURPOSE

This directive gives guidance and procedures for granting and withholding WGI's.

II. CANCELLATION

Cancels FSIS Directive 4531.1, Revision 3, dated 8/24/88.

III. REASON FOR REISSUANCE

This directive updates guidelines and procedures for granting and withholding WGI's.

IV. REFERENCES

5 CFR 531.406, Creditable Service
FSIS Directive 4430.1, Performance Evaluation Plan
Labor Management Agreement ■

V. ABBREVIATIONS AND FORMS

The following will appear in their shortened form in this directive:

ALOC	Acceptable Level of Competence
GS	General Schedule
OFO	Office of Field Operations
MSPB	Merit Systems Protection Board
HR	Human Resources
LERD	Labor and Employee Relations Division ■
WG	Wage Grade
WGI	Within-Grade Increase

DISTRIBUTION:

All Offices; Union Officials

OPI:

HRD – Employment and Benefits Policy
Branch

VI. **POLICY**

It is FSIS policy to grant a WGI if an employee's rating of record is "Fully Successful" or better. WGIs are withheld if an employee's rating of record does not meet the "Fully Successful" level.

VII. **COVERAGE**

This directive covers all nontemporary, full-time, part-time and intermittent GS and WG employees. * * *

VIII. **DEFINITIONS**

A. **ALOC.** Performance at the "Fully Successful" level or better.

B. **Beginning of a Waiting Period.** A waiting period begins:

1. Upon a new appointment in the Federal service.

2. After a break in service or nonpay status of more than 52 calendar weeks.

3. Upon receiving an equivalent salary increase.

C. **Creditable Service.** Continuous paid civilian employment in the Federal Government including periods of paid leave and service under temporary appointment.

D. **Equivalent Increase.** An increase or increases in an employee's rate of basic pay equal to or greater than the amount of a WGI for that employee.

E. **Waiting Period.** The minimum period of creditable service required to be eligible for a WGI.

F. **WGI.** An advance in an employee's rate of basic pay under the GS from one step to the next or from one salary rate to the next under the Federal wage system.

IX. **DETERMINING ACCEPTABLE LEVEL OF COMPETENCE**

A. **Responsibility.**

1. The supervisor with administrative responsibility for the employee on the date the WGI is due determines if a WGI is granted or withheld. This is the supervisor who:

a. Assigns work to the employee.

b. Advises and consults with the employee during the course of his or her work.

c. Reviews and evaluates the employee's work.

d. Is responsible for the employee's attendance, leave, and work-related activities.

2. The supervisor should:

a. Advise the employee covered under the Agency's Performance Evaluation Plan of provisions of the performance appraisal rating system including the rating of critical and noncritical performance elements needed to achieve an ALOC (meet the "Fully Successful" level). ■
■
■

b. If an employee's performance is less than "Fully Successful," the supervisor provides assistance and communicates standards required to achieve the "Fully Successful" level of performance. The supervisor records the date and substance of this notice to the employee. ■

c. Specifically advise the employee:

(1) If any critical elements established under the Performance Evaluation Plan are not being performed at the "Fully Successful" level.

(2) If the appraisal of all performance elements established under the Performance Evaluation Plan results in a summary rating level of marginal or unacceptable. **NOTE:** Bargaining unit employees receive written notice at least 60 days before the completion of the waiting period that their performance is not of an ALOC.

(3) Of any requirements (for employees not covered by the Performance Evaluation Plan) that are not being performed at the fully acceptable level.

(4) That unless performance improves, it will preclude granting a WGI.

B. Relationship to Performance Appraisal.

1. **Employees Covered by the Agency's Performance Evaluation Plan** (see FSIS Directive 4430.1). An employee's most recent performance rating of record must support the conclusion that the employee is performing at an ALOC. If the employee has received more than one rating of record during the waiting period, use the most recent rating of record. If a combination of interim appraisals is completed, use the annual rating of record to determine whether an ALOC was achieved. ■

2. **Employees Not Covered by the Agency's Performance Evaluation Plan.** An employee's performance must meet requirements equivalent to performance standards established for similar duties and responsibilities. It is the supervisor's responsibility to:

- a. Give the employee copies, when feasible, of performance standards established for comparable work.
- b. Inform the employee orally of requirements for "Fully Successful" performance specific to his or her position.
- c. Determine whether the employee is performing at an ALOC.

C. **Waiver of Determination.**

1. A waiver may be issued and a WGI granted when an employee has served fewer than 90 days in any position under the Agency performance appraisal system during the final 52 calendar weeks of the waiting period for one or more of the following reasons:

- a. Absences that are deemed creditable service in computing waiting period(s) under 5 CFR Section 531.406.
- b. Paid leave.
- c. Details to another agency or employer for which no rating is available.
- d. Long-term training.

2. In such situations, consider the employee to have performed at the ALOC (i.e., "Fully Successful" level) for the duties of the position of record for the minimum appraisal period.

PART TWO—GENERAL SCHEDULE EMPLOYEES

I. WAITING PERIOD

A. **Minimum Period of Creditable Service.** An employee is eligible for a WGI, when the following waiting period is met:

To GS Steps	Full-Time and Part-Time	Intermittent
2, 3 and 4	52 calendar weeks	260 days in pay status, not less than 52 weeks
5, 6 and 7	104 calendar weeks	520 days in pay status not less than 104 weeks
8, 9 and 10	156 calendar weeks	780 days in pay status, not less than 156 weeks

B. **Time in Nonpay Status.** Full and part-time employees receive credit toward completion of the waiting period when time in nonpay status does not exceed:

1. **Two workweeks** in the waiting period for Steps 2, 3 and 4.
2. **Four workweeks** in the waiting period for Steps 5, 6 and 7.
3. **Six workweeks** in the waiting period for Steps 8, 9 and 10.

II. ADVANCE NOTICE TO THE SUPERVISOR

The National Finance Center issues Form AD-658 to the servicing HR office 16 weeks before the completion of a waiting period. The servicing HR office sends the form to the supervisor 90 days before the completion of a waiting period. ■ ■

III. GRANTING A WGI

If the most recent rating of record:

A. **Supports granting a WGI**, the supervisor:

1. Completes Form AD-658 approximately 3 weeks before the end of the waiting period.

2. Sends the original and copy one through channels to the servicing HR office. ■

B. Supports granting a WGI but, since the date of the rating, the employee's performance has become unacceptable, the supervisor contacts the Employee Relations Branch, LERD, for assistance in determining whether it is appropriate to place the employee in a performance improvement period to assist the employee in raising performance to an ALOC. ■

C. Does not support granting a WGI but the performance has improved since the rating and now supports granting a WGI, the supervisor:

1. Completes an interim appraisal on FSIS Form 4430-5 (with FSIS 4430-6 if standard(s) is not covered by an established Users' Guide) that shows performance is at or above the Fully Successful level.

2. Completes Form AD-658 approximately 3 weeks before the end of the waiting period.

3. Sends the original and copy one of Form AD-658 and a copy of FSIS Form 4430-5 and 4430-6, if necessary, to the servicing HR office through the reviewing official for concurrence. ■

IV. **OBTAINING APPLICABLE FORMS**

Copies of Forms AD-658, FSIS 4430-5, and FSIS 4430-6 are available from the Consolidated Forms and Publication Distribution Center, 6351 Ammendale Road, Beltsville, MD 20705. ■

SAMPLE FORM AD-658, WITHIN-GRADE INCREASE RECORD

U.S. DEPARTMENT OF AGRICULTURE
WITHIN-GRADE INCREASE RECORD

PART I.

1. NAME (Last, first, middle)		2. SOCIAL SECURITY NO.		3. AGENCY CODE	4. PAY PLAN	14. WGI WAITING PERIOD BEGAN
5. OCCUP. SERV.	6. GRADE/STEP	7. PAY RATE DETERMINANT CODE	8. SALARY	9. DUTY STATION CODE		15. INT. DAYS IN PAY STATUS NO. DAYS AS OF (DATE)
10. OFFICIAL TITLE OF POSITION			11. POSITION NO.	12. STANDARD JOB NO.	16. EFF. DATE FOR WGI	
13. ORGANIZATION STRUCTURE CODE						17. WGI GRANTED <input type="checkbox"/> YES <input type="checkbox"/> NO

SAMPLE COPY

INSTRUCTIONS: The above employee will meet the time requirements for a WGI on the date shown in Block 16. Final eligibility for the WGI depends upon your determination as the employee's supervisor that the employee's performance is at an "acceptable level of competence." Please make sure that you keep a record of any discussions you hold with the employee on this WGI determination. This record will be important should the employee request reconsideration if the within-grade increase is withheld.

LEVEL OF COMPETENCE DETERMINATION FOR WITHIN-GRADE INCREASE

PART II. To be completed, when applicable, by the employee's immediate supervisor not earlier than 2 weeks prior to the effective date.

AN ACCEPTABLE LEVEL OF COMPETENCE. I personally have considered the work of the above-named employee in terms of the essential work factors of the position occupied, and I certify that I find the employee's work to be of an acceptable level of competence within the meaning of 5 U.S.C. 5335.

SIGNATURE AND TITLE OF SUPERVISOR	DATE
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PART III. To be completed, when applicable, by the employee's immediate supervisor and the Reviewing Official.

NOT AN UNACCEPTABLE LEVEL OF COMPETENCE. (Contact Personnel Office.) I personally have considered the work of the above-named employee in terms of the essential work factors of the position occupied, and I certify that it is not of an acceptable level of competence to establish eligibility for a within-grade increase under 5 U.S.C. 5335.

SIGNATURE AND TITLE OF SUPERVISOR	DATE
-----------------------------------	------

I have discussed fully the work of this employee with the supervisor whose signature appears above, and concur with the determination made.

SIGNATURE AND TITLE OF REVIEWING OFFICIAL	DATE
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RECONSIDERATION FINDINGS

PART IV. To be completed by an appropriate Agency Official should the employee request reconsideration.

- The employee's performance during the specified waiting period met the acceptable level of competence requirement. The initial decision to withhold is hereby reversed. The within-grade pay increase should be effected on the original due date.
- The initial findings are sustained. The employee does not meet the acceptable level of competence requirement. Employee has been notified.

SIGNATURE AND TITLE OF REVIEWING OFFICIAL	DATE
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PART THREE—WAGE GRADE EMPLOYEES

I. WAITING PERIOD

A. Minimum Period of Creditable Service. A WG employee is eligible for a WGI when the following waiting period is met:

Rate	Full-Time and Part-Time ¹	Intermittent ²
2	26 calendar weeks ³	130 days, not less than 26 weeks
3	78 calendar weeks ³	390 days, not less than 78 weeks
4, 5	104 calendar weeks ³	520 days, not less than 104 weeks

¹ Any day on which part-time service is performed constitutes a full day.

² Any day on which part-time service is performed constitutes a full day for intermittents as well.

³ A calendar week is a period of any 7 days.

B. Time in Nonpay Status. Full- and part-time WG employees receive creditable service toward completing a waiting period when time in nonpay status does not exceed:

1. One workweek in waiting period for Rate 2.
2. Three workweeks in waiting period for Rate 3.
3. Four workweeks in waiting period for Rates 4 and 5.

C. Examples of Noncreditable Service.

1. Service at overtime rates.
2. Service before or during a break in-service of more than 52 calendar weeks.
3. Periods of separation from a Federal job unless under certain conditions of military or restored civilian service.

II. **ADVANCE NOTICE TO THE SUPERVISOR**

The servicing HR office: ■

- A. Receives Form AD-658 16 weeks before the end of the waiting period.
- B. Sends the forms to the supervisor 90 days before the waiting period ends.

III. **GRANTING THE WGI**

WG employees automatically receive WGI's if they have a current performance appraisal and FSIS Form 4430-5 which indicates an ALOC. (A rating of record of "Fully Successful" or better.)

PART FOUR—WITHHOLDING A WGI

I. NOTIFICATION TO NON-BARGAINING UNIT EMPLOYEES ■

Make the determination to withhold a WGI on or before the end of the waiting period for non-bargaining unit employees. ■

A. A determination to postpone a WGI is warranted when: ■

1. Performance standards or requirements were not established at least 90 days before the end of the waiting period. The supervisor advises the employee of the length of the postponement and gives the employee the written performance standards or requirements. After the postponement, a review is made and, if the results are positive, a WGI will be granted retroactive to the original due date. ■

2. The employee was demoted for unacceptable performance and is eligible for a WGI within 90 days. In this situation, the ALOC determination will be postponed for 90 days. The servicing HR office notifies the supervisor and the employee of the reason for and the length of the postponement. The supervisor gives the employee the written performance standards and critical elements for the lower-graded position. If the employee is performing at an ALOC at the end of the postponement period, the WGI is granted retroactive to the original due date. ■

B. When the supervisor of a non-bargaining unit employee determines (in consultation with an Employee Relations Specialist in LERD) that the employee has not met the ALOC, the supervisor shall issue a written notice advising the employee that his or her WGI is being denied. Issue the notice to the employee as close as possible to the completion of the waiting period to allow the employee full and fair opportunity to demonstrate a fully successful performance during the entire waiting period. The notice shall: ■

1. Indicate concurrence by the reviewing official by his or her signature on the notice. ■

2. Identify the specific performance element(s) and activities within the elements in which the employee did not meet the “Fully Successful” level, including an explanation of why the performance is deficient.

3. Describe the manner in which the employee must improve his or her performance in order to be granted a WGI under subsequent redetermination procedures.

4. Include, as attachments, documented examples of performance deficiencies which occurred during the appraisal period (i.e., copies of memorandum, speed memos, notes, and work samples). If appropriate, include reference to any performance discussion or counseling sessions that have occurred during the appraisal period.

5. Notify a GS employee of the right to request reconsideration by the Director, LERD, within 15 days of receipt of the notice and the right to appeal to the MSPB, and a WG employee of the right to file an administrative grievance.

6. Inform the employee of the right to personal representation and a reasonable amount of official time to review the evidence, prepare and present a response, if otherwise in a duty status.

7. Inform the employee of the right to make a personal presentation.

8. Also include as attachments copies of Form AD-658 (for GS only), FSIS Form 4430-5 and FSIS Form 4430-6, if required.

C. The supervisor shall send any completed appraisal forms and a copy of the notice to the Director, LERD, and the servicing HR office. **NOTE:** Since a GS employee has the right to request reconsideration and a WG employee the right to file an administrative grievance, the supervisor should retain a copy of **ALL** documents provided to the employee. If a reconsideration is requested or an administrative grievance is filed, the supervisor will be requested to immediately forward a complete file to the Director, LERD.

II. NOTIFICATION TO BARGAINING UNIT EMPLOYEES

A. When the rating supervisor of a bargaining unit employee concludes (in consultation with an Employee Relations Specialist in LERD) that a bargaining unit employee's work is not of an ALOC, the supervisor will discuss the situation with the employee and provides a written notification to the employee at least 60 days before the employee's WGI eligibility date. At a minimum, the notification will include:

1. An explanation of the WGI criteria for an ALOC and specification of which (either or both) the employee has not met.

2. If the employee being rated "Does Not Meet" a critical element, specification for which elements are determined to be below the expected level, with examples for each.

3. If the employee will be rated below "Fully Successful" on the composite appraisal, specification for each element that will be rated "Does Not Meet" with examples for each.

4. Advice as to what the employee must do to bring his or her performance up to the acceptable level.

5. A statement that specifies the period of time the employee has to bring his or her performance up to an ALOC. ■

B. The supervisor will inform the employee three weeks prior to the effective date of the WGI if the employee's performance has improved to the point where a WGI will be granted. ■

C. If the employee's performance has not sufficiently improved, the District Manager (or designee) will inform the employee in writing: ■

1. That his or her work has been reviewed. ■

2. That it has been determined not to be of an ALOC. ■

3. The performance elements and tasks in which it has been determined the employee's work has failed to attain the ALOC. ■

4. That the employee may request administrative reconsideration in writing within 15 calendar days of receipt of the negative determination from the District Manager (or designee) and the right to appeal to the MSPB or to grieve through the Labor Management Agreement. ■

5. The name of the person responsible for receiving the request for administrative reconsideration and for making the decision. ■

D. In the event the appraisal supervisor fails to make a tentative determination 60 days prior to the employee's WGI anniversary date, the official determination will be delayed for 60 days after the tentative determination. In the event the official determination is then to grant the WGI, the WGI shall be granted retroactively to the original due date. ■

III. EFFECT OF PENDING ADVERSE ACTION ON WGI ■

It is Agency policy not to authorize WGI's while a proposed adverse action is pending for such reasons as inefficiency, delinquency, or serious misconduct where there is a relationship between the misconduct cited in the proposed adverse action and the required level of performance. When a supervisor is aware of a proposed adverse action, the supervisor is responsible for notifying LERD of any pending authorization for a WGI for that employee. LERD will make a determination as to whether there is a relationship between the proposed adverse action and the required level of performance. Where LERD makes a determination that a relationship does exist, LERD shall notify the employee and the employee's supervisor, prepare and deliver an official notice which shall: ■

A. Cite the pertinent misconduct involved. ■

B. Describe how the misconduct is related to the required level of performance.

C. Notify the employee that he or she will receive automatic reconsideration of this decision after a decision has been reached on the proposed adverse action and that he or she will receive a notice about procedures and rights at that time.

IV. RECONSIDERATION

A. Request.

1. A WG employee does not have the right to a reconsideration. The WG employee may file a grievance through the administrative grievance procedures.

2. A GS employee has the right to request reconsideration of the initial decision not to grant a WGI.

a. The right extends automatically to an employee receiving a negative determination due to a pending adverse action. An employee automatically receives reconsideration without filing a request in writing after disposition of the proposed adverse action.

b. All non-bargaining unit GS employees electing to request reconsideration must file a written request with the Director, LERD, within 15 days of receipt of the notice of the negative determination (see Subparagraph I. B. 5). ■

c. All bargaining unit employees electing to request reconsideration must file a written request with the official designated in the notification (see Subparagraphs II. C. 4 and 5) within 15 days of receipt of the negative determination. ■

B. Procedures. Reconsideration procedures provide for:

1. The right of an employee to present orally and/or in writing the reasons for wanting the decision reversed.

2. The right of an employee to be represented.

3. Freedom from restraint, coercion, discrimination or reprisal.

4. A reasonable amount of official time for the employee and representative to prepare and present the request.

5. A prompt written decision by the Director, LERD, or the designated Agency official. ■

C. **Documentation.** LERD or the designated Agency official establishes a file for employees filing a request for reconsideration. The file shall contain all pertinent documents relating to the negative determination and request including: ■

1. The written negative determination, including copies of the appraisal forms used.
2. The employee's request for reconsideration.
3. The report of any investigation or inquiry, if one is conducted.
4. The written summary of any personal presentation made together with any written exception to the summary or transcript that the employee wishes to make.
5. The Agency's decision on request for reconsideration.

D. **Favorable Determination.** LERD or the designated Agency official certifies that the employee's performance meets the ALOC. Such certification will be effective as of the end of the initial waiting period. LERD or the designated Agency official submits the AD-658 to the servicing HR office, completing Part IV of the form, checking the first block. ■
■
■
■

E. **Negative Determination.** LERD or the designated Agency official issues a notice to the employee stating the basis for the decision and informing the employee of his or her rights. LERD submits AD-658 to the servicing HR office, completing Part IV of the form, checking the second block. ■
■
■
■

1. A non-bargaining unit GS employee may appeal to the appropriate office of the MSPB within 30 days. LERD will supply a copy of the applicable MSPB forms and regulations. ■
■

2. A bargaining unit employee may appeal to MSPB within 30 days or file a negotiated grievance in accordance with Article 31 of the Labor Management Agreement. LERD or the designated Agency official will supply a copy of the applicable MSPB forms and regulations. ■
■
■
■

V. **REDETERMINATION**

A. When a reconsideration, MSPB appeal, negotiated or administrative grievance decision sustains the original unfavorable determination, or an employee does not grieve, appeal or request reconsideration, a redetermination can be made concerning an employee's eligibility for a WGI.

1. **For non-bargaining unit employees**, a supervisor may certify at any time, but no later than 52 weeks following the eligibility date for the WGI for GS employees and 26 weeks for a WG employee, that the employee reached an ALOC and redetermine that the WGI should be granted.

2. **For bargaining unit employees**, a redetermination will be made as soon as the supervisor is satisfied that the employee has attained an ALOC, but no later than 52 weeks following the eligibility date for the WGI. The supervisor and the employee will meet to discuss the employee's progress or lack thereof 90 days after the withholding date and at the end of each 90-day period thereafter until a favorable redetermination decision is made.

B. A redetermination, if favorable to the employee, will be effective the first day of the pay period following the new determination. The supervisor completes Parts I and II of a new AD-658 to process the redetermination, and indicates the appropriate effective date in Part I, Item 16.


Acting Deputy Administrator
Office of Management