

ARTICLE 29

WITHIN GRADE INCREASES

SECTION 1

- A. In accordance with 5 CFR and applicable law, a within grade increase (WIGI) will be granted by the Employer when the Employer determines that the employee's performance is at an acceptable level of competence. The level of competence determination will be based on the employee's latest rating of record and any performance that has occurred since the latest Rating of Record. Acceptable level of competence means an employee's last performance rating was "fully successful" or higher, as defined in Article 30, Performance Management.
- B. The employee must also have completed the required waiting period for a within grade increase. The waiting period is defined as:
1. For steps two (2), three (3), and four (4) - fifty two (52) calendar weeks of creditable service;
 2. For steps five (5), six (6), and seven (7) - one hundred four (104) calendar weeks of creditable service; and
 3. For steps eight (8), nine (9), and ten (10) - one hundred fifty six (156) calendar weeks of creditable service.

SECTION 2

- A. The performance management process, including any counseling, progress reviews and the latest performance rating, will be mechanisms for warning employees that their performance is not at an acceptable level of competence. The sole basis for an acceptable level of competence determination for purposes of this Article will be either the employee's most recent rating of record or a new rating of record prepared to reflect the employee's performance since the last rating of record.
- B. When the Employer has determined that an employee's performance is below the acceptable level of competence, the employee will be provided with the following in writing within a reasonable period of time (normally not less than sixty (60) days) before the employee will have completed the required waiting period:
1. notice of the critical job element(s) in which the employee's work is less than fully successful;
 2. examples of less than fully successful performance on which the action is based;

3. advice as to what the employee must do to bring performance up to the acceptable level;
 4. a statement that the employee's performance may be determined as being less than successful unless improvement to a fully successful level is shown; and
 5. a statement that the within-grade increase will be withheld unless the employee's work is at an acceptable level of competence by the end of the waiting period.
- C. When the level of competency determination is negative and the discussion was held fewer than sixty (60) days prior to the WIGI due date, the WIGI will be denied. The reconsideration period will begin on the date the discussion referenced in Paragraph B above is held. At the end of sixty (60) days following the reconsideration period, a reconsideration determination will be made according to Section 5. The procedure in this section applies only to those situations where the discussion did not occur at least sixty (60) days prior to the WIGI due date. Nothing in this section precludes the supervisor from beginning a performance improvement plan at the same time the level of competency determination is made.
- D. Whenever a within-grade increase is withheld, the Employer will thereafter prepare a new rating of record for the employee and grant the WIGI when the employee has demonstrated performance at an acceptable level of competence for at least the minimum appraisal period of ninety (90) days. At a minimum, this requires a determination of whether the employee's performance is at an acceptable level of competence after each fifty two (52) weeks following the original due date for the WIGI.
- E. Violation of the terms of this Article, as determined by competent authority, that result in a changed acceptable level of competence determination will provide for retroactivity of any pay increase only to the extent authorized by applicable law and regulation.

SECTION 3

The Employer will give employees, written notification of unacceptable level of performance determinations no later than ten (10) workdays after the end of the waiting period for the WIGI. The notice will:

- A. Inform the employee that his/her performance has become unacceptable since the last rating of record and a new rating of record has been prepared and is included with the notification;
- B. Inform the employee about the negative determination and withholding of the WIGI, including specific instances of performance that support the determination;
- C. State how the employee must improve his or her performance in order to receive a WIGI;
- D. Inform the employee about his or her right to request reconsideration and identify the reconsideration official; and

- E. State the employee's right to Union representation while preparing for and presenting any request for reconsideration.

SECTION 4

Where an employee chooses to make an oral presentation in connection with a request for reconsideration, this oral presentation will be held at a particular site, video conference or telephonically, as determined by the reconsideration official. Upon request by either party, the Employer will arrange for a reporting service to transcribe the employee's oral presentation and a copy of the official transcript will be provided to the employee, if requested. The requesting party will pay for the cost. The employee and the Union will be given at least five (5) workdays to comment. The Employer will consider the Union's comments before reaching its final determination. The reconsideration official will issue his or her decision as soon as possible, but in no case later than ten (10) work days following receipt of Union comments.

SECTION 5

- A. When an employee receives a negative determination, he or she shall be granted a reasonable amount of duty time to review the material relied upon to make the determination (if otherwise on pay status), prepare a request for reconsideration, and present the request.
- B. If, based on the reconsideration, a negative determination is reversed by the Employer, the effective date of the increase will be the original due date.
- C. Where an employee is denied a WIGI by the reconsideration official, the letter transmitting the official's decision shall include a statement that informs the employee about his or her right to appeal the decision to binding arbitration (with Union concurrence), as provided in Article 46, Arbitration, of this Agreement, and the number of days in which the employee must request such an appeal through the Union.