

GAO

United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-202107 (THK)

June 3, 1981

Ms. Myrna Reich
Supervisory Program Analyst
Social Security Administration
96-05 Horace Harding Expressway
Flushing, N.Y. 11368

Do not make available to public reading room

Dear Ms. Reich:

By memo of March 12, 1981, you requested advice as to whether you should have received a within-grade increase based upon service during both temporary and permanent promotion periods at grade GS-14, separated by an intervening period when you were returned to grade GS-13, after your temporary promotion terminated.

We believe that the intervening service at grade GS-13 would prohibit adding the temporary and permanent GS-14 promotion periods for the purpose of fulfilling the service requirement entitling you to a within-grade increase at grade GS-14. If you disagree with our explanation below, you may file a claim by writing the Associate Director, AFMD, Claims Group, pursuant to the procedures set forth in Title 4, Code of Federal Regulations, Part 31.

On July 1, 1979, the Social Security Administration temporarily promoted you from grade GS-13, step 4, Social Insurance Advisor, to grade GS-14, step 1, Supervisory Program Analyst. The temporary promotion was not to exceed 120 days. You served for a period of 8 weeks in the GS-14 position before you

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were returned to your permanent position at grade GS-13, step 4, effective August 26, 1979. You received a permanent promotion on March 9, 1980, at the same grade and step you held during your temporary promotion, that is, GS-14, step 1, Supervisory Program Analyst.

By letter of February 26, 1981, Essie M. Drake, Chief, Advisory Services Office, Pay and Benefits Policy, Office of Personnel Management, advised you that in accordance with sections 531.403 and 531.406, Title 5, Code of Federal Regulations (5 C.F.R.), January 1, 1980, a new waiting period for a step increase did not commence in your case until your permanent promotion on March 9, 1980. Consequently, the 52 weeks waiting period for advancement from step 1 to step 2 of grade GS-14 began on that date so that you would fulfill the service requirement for step 2 on March 8, 1981. In support of this conclusion, the letter cites our decisions in Richard C. Dunn, B-193394, March 23, 1979; and Duane E. Tucker, B-193336, March 23, 1979. We held in these decisions that after a demotion with retained pay and later repromotion to the employee's former grade and step, the employee must begin a new waiting period upon repromotion without counting service at the grade and step before the demotion as part of the new waiting period. Repromotion resulted in an "equivalent increase" in pay at which time a new waiting period began for the within-grade increase.

Consistent with the above decisions, we would agree with Ms. Drake that your permanent promotion from GS-13, step 4, to GS-14, step 1, was an "equivalent increase" requiring you to serve in its entirety a new waiting period of 52 weeks in order to be eligible for step 2 of grade GS-14. Consequently, the 8 weeks you served on a temporary promotion does not contribute to fulfilling the new waiting period.

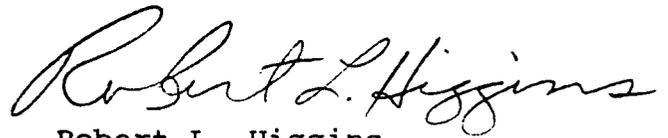
Ms. Drake also advised you that the regulations applicable to your case were in the 1980 edition of title 5, C.F.R., Part 531. We have examined the revisions of Part 531, effective February 9, 1981, published in the Federal

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Register, Volume 46, p. 2319, et seq., January 9, 1981.
We do not believe the revisions would affect the outcome
of your case even if they were applicable to the waiting
period for your within-grade step increase.

We hope the foregoing information has been of some
assistance to you and we are enclosing copies of the cases
cited above for your examination.

Sincerely yours,



Robert L. Higgins
Assistant General Counsel

Enclosures