

RELEASED



UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548



OFFICE OF GENERAL COUNSEL

IN REPLY REFER TO: B-193113

NOV 2 1978

Takoma Park, Maryland 20012

Dear

Reference is made to your letter of October 4, 1978, with enclosures, seeking information and our assistance concerning your entitlement to receive the equivalent of two step increases on promotion, making reference to a recent decision of this Office and Title V of the Code of Federal Regulations which you apparently view as being pertinent to your case.

You say that you accepted a position with the Nuclear Regulatory Commission (NRC) at a grade lower than your previous position. You say that you were later promoted, but you did not receive the equivalent of two step increases. On inquiry you indicate having been advised that you were not entitled to such increase because you were in grade less than two years.

An official decision is not being rendered at your request on the question presented; however, the following may be of assistance to you.

It would appear that the decision to which you refer and which is briefly reported in the newspaper article enclosed with your letter is our decision 56 Comp. Gen. 199 (1976), copy enclosed. In that decision we considered the question whether an employee, who voluntarily requested a downgrading for purpose of an employee development program, was entitled to salary retention under the provisions of 5 U.S.C. 5337. We held therein that, notwithstanding the language of section 5337, if an employee's request is for a position vacancy to permit participation in an agency's employee development program, which position is in a lower grade, it cannot be said that it was purely voluntary so as to deny salary retention right to the employee.

It does not appear that the before-cited decision is relevant to your inquiry since it involves Civil Service laws and regulations thereunder. In this regard, we understand that under the authority

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of 42 U. S. C. 2201(d), NRC may regulate the appointment, compensation and promotion of individuals without regard to the Civil Service laws (including Title V of the Code of Federal Regulations). Thus, it would appear that since NRC has its own separate authority in this field, its own personnel regulations would be controlling.

We trust this information will serve the purpose of your inquiry.

Sincerely yours,

Edwin J. Monsma

Edwin J. Monsma  
Assistant General Counsel

Enclosure