



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

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OFFICE OF GENERAL COUNSEL

IN REPLY
REFER TO:

B-193158

OCT 27 1978

Alexandria, Virginia 22311

Dear :

Reference is made to your letter postmarked October 9, 1978, in which you request our views as to the date you become eligible for a periodic step increase in your pay as a repromoted grade GS-12, step 7.

You say that in 1970 you were appointed to a grade GS-12 position and received your scheduled periodic step increases, the last occurring in October 1975 when you received an increase to step 7 of that grade. You say that on July 17, 1976, you were reduced to grade GS-11, step 10, due to a reduction-in-force action, but that you continued to receive the same pay as before, and on September 5, 1976, you were repromoted to grade GS-12, step 7.

You say further that you were told that as a result of your break in grade in 1976, you will have to wait until September 1979 for your next periodic step increase and that such ruling is based on Comptroller General's decision B-151483, January 14, 1964. You question whether that ruling is correct.

An official decision is not being rendered at your request on the question presented. See 31 U.S.C. 74 and 82d. However, the following comments may be of help to you.

In decision B-151483, *supra*, (43 Comp. Gen. 507), copy enclosed, we held, in effect, in answer to questions 1 and 2 therein, that where an employee is demoted from a certain grade and later repromoted to that same grade, a new waiting period for periodic step increases would begin, even though the employee was entitled to receive the same rate of pay during the demotion period as saved or retained pay, since on repromotion the increase in pay from the applicable rate for the lower grade qualifies as an equivalent increase as that term is used in 5 U.S.C. 5335(a).

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In decision 43 Comp. Gen. 701 (1964), an additional basis for this position was set forth in part on page 702 thereof, where it was stated:

"* * * service at a retained rate should [not] operate to increase that rate as such by Title VII increases, the service credit being applicable to the grade to which reduced * * *."

See also in this connection B-176492, October 26, 1972; compare B-191351, August 7, 1978, copies enclosed.

Therefore, in order for an employee repromoted to grade GS-12, step 7, to receive the periodic step increase to step 8 in normal course having performed satisfactorily in that lower step, he must complete 156 calendar weeks as required by 5 U.S.C. 5335(a)(3), from the date of repromotion.

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

Sincerely yours,

Edwin J. Monsma

Edwin J. Monsma
Assistant General Counsel

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