

EXCISED

Foreign Service Grievance Board

April 3, 1973

TO: Director of Personnel
Department of State

SUBJECT: Record of Proceedings No. 71-10-STATE-F2
Remedial Order in the Case of FSSO-6 Grievant

FSSO-6 [grievant] seeks several remedies for grievances basically growing out of allegations of falsely prejudicial statements contained in Officer Evaluation Reports written in redacted during the period 1967-1968. A secondary grievance involves her difficulties in the shipment of personal effects from that post. The Department has correctly pointed out that she was not charged for the shipment which had mistakenly been sent by air instead of by surface. Hence, this secondary grievance, and the requested remedies associated with it, are not before this Board.

By way of redress in the primary grievance, [grievant] requests that Evaluation Reports covering the 1967-1969 period be removed from her Personnel File. In this connection, she wishes her record corrected and an increase in salary and housing allowance. This grievance, the Board has decided, is one with which it properly can deal.

By way of personal relief, [grievant] asks the Board to:

1. Impress upon Nella E. Wade the importance of following an employee's instructions on the shipment of his effects, etc., unless his instructions are contrary to regulations, in which case she should consult and advise the employee before taking action.
2. Instruct then redacted Budget and Fiscal Officer Roy O. Young that before making such accusations he should consult the person involved to try and get additional information (as he previously indicated that he would do.)

Since the above two items deal with the personal effects shipment issue, which is now moot, they will not be considered by the Board.

The inquiry into this grievance took the form of interviews with the grievant, with the rating officer, with two persons who served at redacted with [grievant] and with two Career Counselors.

Documents consulted included the grievant's Personnel Folder, her Career Counseling File and letters from .Americans and Canadians who had served with her at redacted.

Background

After some twelve years as a secretary at five different posts, [grievant] course. In September of that year she was assigned to Vancouver as a non-irmaigrant visa officer, a position previously occupied by a Class 4 officer. In this difficult, demanding job, she was required to handle an unusually heavy workload consisting, not of redacted who do not require non-immigrant visas, but of Asians, Latin Americans and Europeans. Many of these applicants were seeking to enter the United States illegally.

Described in her Evaluation Reports as "meticulous", "thorough" and "conscientious". {Grievant} so successfully brought these attributes to bear on her work that she prevented many ineligible applicants from entering the United states. For this, during her three-year tour in re officers. (At her present post in redacted, as secretary to the Political Counselor, these same qualities are strongly commended.)

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On the negative side, these four Evaluation Reports exhibit an increasing degree of dissatisfaction with her performance, principally growing out of her alleged inability to turn out an ade-
; quafce amount of work. All were written by the same rating officer. Related to this general charge are others which are dealt with below.

PER-PAR. September 26., 1966- June 15, 1967

In this first redacted Evaluation Report the rating officer gave [grievant] high marks for conscientiousness, thoroughness and her ability to make decisions and the authority to roake them stand. This painstaking approach resulted in a high degree of success in exposing ineligible applicants. Although critical of the time she spent on interviews, thereby accumulating a backlog of work, he described her performance during this seven-month period as very creditable. Reviewing Officer, Consul General, generally agreed with raters' assessment, describing his rating as objective and accurate, strict but fair. But commended [grievant] for her thoroughness and sunned up her performance as very satisfactory.

In the DAR, rater referred to [grievant's] "abrupt manner"

and her failure to streamline her work methods. She preferred immigrant visa work. The rater was in favor of assigning her to this work when she had mastered it. The reviewer, while concurring generally with the rater, disagreed with the rater that she possessed no potential in the visa field. He noted some shortcomings in the relationship between the rated and rating officers.

[Grievant] did not take exception to this Evaluation Report at the time, but she has included it in her grievance. The Board does not consider this Report, the grievant's first as an officer, as unfair or falsely prejudicial. Hence, it finds no valid reason for ordering its removal.

PEH-DAH June 15, 1967 - May 15, 1953

In this evaluation of [grievant's] performance, Rating Officer continued his praise for her responsibility, thoroughness and attention to detail. Methodical, logical and tenacious, she excelled in the law enforcement aspect of her visa work. He coached her in immigrant visa work and reported that she had learned its basic elements rapidly and well. She expressed a desire for further immigrant visa work. This training behind her, [grievant] discharged rating duties as chief of the visa section during his two-months' home leave. With help, she performed creditably in that job with little work current upon his return.

To increase her productivity, rater tried to persuade [grievant] to "introduce greater flexibility into her approach to her work." He urged her to spend less time on interviews with visa applicants and accept more on paper work. He also urged her to reduce the time spent on arguments and objections and that she continued to create unnecessary work for herself. He conceded, however, that although rigid and conscientious, her courtesy had elicited favorable comment from applicants and their sponsors.

The above statements are contained in the Performance Rating Report. However, Reviewing officer took a much different line. He noted that he would have given [grievant] higher numerical ratings in initiative, resourcefulness and decisiveness. He noted that he had a good opportunity to observe her in action during the year. In summing up his contribution to the Report, he wrote: "She has handled a difficult job capably and very dependably."

The overriding issue here was [grievant's] productivity. She vigorously denied that she had failed to increase her speed in handling visa applications. To support this denial/ she submitted

statistics showing a steep, upward climb in the number of visas handled over the past several years. Her figures showed a total of 12,434 visas issued in 1967, while an equal number had been issued during the first five months of 1968. Her **claim was** that: she had turned out as much work as **her** more **experienced** predecessors,, although rater claimed that she had been busy at immigrant visa work during the peak period of 1968. The tremendous increase in visa applicants. [Grievant] explained, was due to the growing number of "Hong Kong transients", a larger number of applicants from Iron Curtain countries and increased unemployment in redacted. The rating officer made no mention of these factors in his write-up, nor upon reading these again in the Board's office, did he attempt to refute them. In the numerical ratings, rater checked the box reading, "Volume of useful output wholly adequate." This evaluation fails to square with his narrative account of [grievant's] productivity.

By way of rebutting another rater's statement, the grievant wrote that she had requested him to review her visa refusals during a period of several weeks. He did so and announced that he was in general agreement with her decisions. This, she claimed, refuted his statement that she had been guilty of "excessively rigid application of excludability standards."

To another charge that she created unnecessary work. [Grievant] replied that she had asked rater to cite examples. He responded vaguely by declining to have her pin him down.

That the Board is faced with in this PES-DAR is a situation in which the supervisor's view of the relative importance of speed over carefulness clashed with that of the rated officer's. The harsh tone of the Report, as compared with the first one rendered on [grievant], would seem to indicate a worsening relationship between the two. Also of importance in assessing the propriety of the judgments expressed in the Report is the relative inexperience of the grievant placed in one of the Department's more demanding consular assignments. It may well be that she should not have been assigned to consular work, as everyone, rating officer, inspector and subsequent reviewing officer have claimed. Whether or not such a judgment is valid is beyond the competence of the Board to decide. In any case, it is almost certain that the presence of this Report in her File has not enhanced her chances for promotion and that she has presented adequate material in her rebuttal, supported in part by statements from others, -to justify the Board's order for the removal of Parts I and II of the 1967-1968 Performance Evaluation Report. This action is ordered because the PER, in toto, contains various unsupported statements clearly of a falsely prejudicial nature. Since the

Rebuttal Statement is based on this PER, the Board, likewise, orders its reraoval in Its entirety from her File.

Since portions of the Inspector's Evaluation Report, dated October 29, 1968, refer directly to statements successfully rebutted by [grievant], the Board orders the deletion of the following passages from that IER:

1. The first paragraph under "Inspector's Comments".
2. The second paragraph under the sub-haading, "Performance".
3. Entire sub-haading entitled: "Reactions".

Officer Evaluation Report May 15, 1968 - May 15, 1969

As in the previous Report, the primary complaint of Rating Officer is [grievant's] alleged low productivity. He expanded upon this charge by accusing her of responding to people's problems in a rigid manner, of complaining frequently of overtime, of resenting and resisting responsibility falling outside working hours and of lacking understanding of people whose cultural background differed greatly from her own.

{Grievant} has submitted a lengthy statement of charges of raters' erratic work procedures, the burden of which was that he issued conflicting orders to his staff and blamed her when things became difficult. He was guilty also of assigning a disproportionate amount of work to her after first announcing that he would do it himself. She also pointed - it that she had been criticized for consulting him on problem c ?es on the one hand, while he had earlier pointed to her abil: / to make decisions. Curiously, also, she was faulted for taking too much time with applicants, while being charged with a failure to help people.

{Grievant} had placed in her File a substantial number of letters from satisfied applicants, including some from Orientals. Rater cited no examples of any of these alleged shortcomings. To her requests that he provide some yardstick by which her output would be measured, she got no reply* She referred to the monthly reports to prove that she did put out the volume of work expected of her, while the rating officer reliea on no statistics to prove his charge. In fact, neither he nor the reviewing officer presented anything in writing to gainsay any of the rebuttal statements of grievant.

[Grievant's] rebuttal statement makes the lengthy charge that, the rating officer had repeatedly praised her to her face only to downgrade her performance in her efficiency reports. This situation appears to have isolated more than any other aspect of her case. This same allegation is leveled at Reviewing Officer, as well. A solicited letter from a retired visa officer at redacted also makes the same point. Whether the charge is true or not cannot be proved absolutely in the face of raters' verbal denial. What might tend to lend credence to it is the evident deterioration of the personal relationship between the rated and rating officers- She claimed that she had been unable to get the attention of the reviewing officer to her problems and that the Consul General also evaded any discussion of them. Both of these senior officers continued to assure her orally that she was doing a fine job, she asserted.

In the Board's opinion. [grievant's] repeated complaints, expressed in successive PSR rebuttal statements, were not properly handled at the post. Instead, the record shows that both the rating and reviewing officers deliberately evaded the distasteful task of discussing these rebuttal statements with her. The Consul General, while no longer the reviewing officer for [grievant], cannot escape his share of the blame for "Mucking the issue". This breach of the normal decent management practice, expected of all supervisors, cannot easily be overlooked. It is not unreasonable to assume that had reviewer displayed minimal courage and common courtesy, this matter might well not have escalated to the state of a formal grievance.

the other statements in this OER to which [grievant] takes exception are:

1. That she remained aloof from her fellow American employees. By way of refutation, she pointed to her corroborated helpful acts for sick and lonely people. She admitted, however, that because of worsening health she was not as socially active as formerly.

2. That she was resented by the local employees. This charge she also denied by referring to gifts and expressions of regret from the redacted when she was preparing to leave. One employee submitted a letter indicating her high regard for the grievant.

It is clear that there was disaffection on the part of the local employees growing out of the Consulate's failure to adjust their salaries for a long period. When this condition was relieved, relations between the local staff and the Jettarians improved markedly.

3. That [grievant] failed to discharge her "out of office hours obligations," She went to some lengths to respond to this allegation giving reasons for her inability to accept several invitations while she was preparing to

depart the post. She also raised the question of the amount of representation expected of an FSSO-6 visa officer. Else-

where in her PEE's she is credited with entertaining well in spite of her few representational responsibilities.

4. That she was abrupt and unfriendly with visa applicants. Replying to this charge, [grievant] submitted numerous letters of appreciation from persons applying for visas, in addition to U.S. employers of approved applicants. The rating officer offered no examples to support this allegation,

5. That she complained of being required to work overtime. [grievant's] denial here refers back to the rating officer's demand that she not spend long hours in the office, and to his complaint that she discussed applicants' cases with them on the phone at her home. In this connection, she charged that rater, despite his stated offers to help her in emergencies, actually added to her workload by handing her additional correspondence and shifting other work to her. There was no response to this allegation of the grievant.

Now comes a very important aspect of this grievance. Although [grievant] was an experienced secretary, consular work was new to her. The Department probably erred in assigning this brand new FSSO-6 Consular Officer to a busy, complex post life replete with the patient, sympathetic supervision, it was unrealistic to have I expected her to perform up to such a standard. A Foreign Service Inspector noted this problem, as did her first reviewing officer. In spite of the fact that she was working on a three-year assignment, and this apparent assignment error had been identified after her first year, in all fairness she should have been transferred at least at the end of her second year. Instead, it appears that little attention was paid to this assignment in Washington, with the result that this unfortunate episode was played out to its somber conclusion.

In view of the above recital of the facts in this case, the Board finds that the OER for the period of May 1968 - May 1969 does contain distortions and unsupported allegations which render it falsely prejudicial. Therefore, it orders its removal from [grievant's] Performance File. Since the Rebuttal Statement is based on this OER, the Board, likewise, orders its removal from her File.

X»terfatt;Qgfl6ttr Evaluation Report Hay 16 - September 25^196\$

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f transferitihe Rating Officer, * \$ t \
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f p p p y
months statements contained in'the previous report, except for a. two
during theweek period preceding her illness.. During that time her produc
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elected
-tb apply the same narrative

The sole narrative statement i» tfee OER falls soder i^th Itatea
Officer** "j?S: stated that he had discusflaj her psrfona-ance with her "in
a limited majjner** once after she had been handed the previous report
and, again, during this report's preparation.

Since both the Rating Officer and Consul, the
rev-iewer, stood lay their previous aesessigent of [grievant's]
performance/ and the Board has found that evaluation faulty, it has
no choice except to order the deletion of this QER from her Performance
Polder. -

In place of this and the previous Evaluation Reports of Jane IS,
1967-r-Hay 15, 1968 and Siay IS, 1968-May 15, 1969, the Board orders
the following statement substituted:

"The Foreign Service Grievance Board has ordered the removal of
the three Evaluation Saports f rost the J?@r- foraance Folder of
JSiss'Z^cy Idttle, S^ess Seporta cover the following periodst
Juee 15, 1967 to May 3.5/ 1968; May IS, 19S8 to May 15, 1969; and
J4ay 2.6* A9« to September 25, 1969. It has also ord- r«d the
exei-? sion of portions of an Inspector's Ev&i *tion Report dated
October 29, 19S8. This action ir ordered because the documents
in question contained various inaccurate, unsupported statsmants
of an unfairly prejudicial nature.

This Board would add its reeceoraendation to those of [grievant's]
next higher class."

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