

releg Service Grievance Board

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TO: The director of Personnel
Department of State

SUBJECT: Record of Proceedings Number 72-40-13r
Bes&dial Order ir. the Case of FSO-4
Grievant

SEF; 3 FAH 667.2.3.1.

[Grievant], on assignment in Washington* filed a formal grievance in February 1972, charging that an evaluation report rendered on her for the period June 16, 1965 to June 15, 1970 contains falsely prejudicial comments inconsistent with, previous and subsequent ratings. She stated that the report was not reviewed and has resulted in a low 5% ranking by the 1970 Selection Board. As a result, she requested the removal of the report from her personnel file and the annulment of the low

An investigation of the grievance included as of the grievant's official personnel files; an interview with the Executive Director of the Bureau in which she worked; discussions with her former associates in that Bureau; consultation with a career assignment officer for her class; and several conversations with

The evidence in the investigation sustains her that the cited 1970 evaluation report was the cause of her low 5% ranking. Her 3-year foreign service career prior to this report was marked by an outstanding efficiency record that emphasized her exceptional work capacity, dedication, versatility, and intelligence. The 1970 report was written by a former Deputy Assistant Secretary (E/CEA), who had

personally interviewed and selected the grievant for the position of Advisor (Special A) and first evaluation report rendered on her, for the period with her work and carried a recommendation for her

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prcsGotion. Se commented at that time, "It also reflects

my judgment, based on many years of rating experience, about the superior quality of her performance..." His next report, covering the period **June 2.6_f 196\$ fee***. June IS, 1970 reversed a number of his previous judgments and was sharply critical of her work.

The grievant was particularly faulted for her performance as acting chief (in addition to her other duties) of the International Business Affairs Division (XBAD) for a period of several months. The Board has noted that her predecessor in this position, as well as her successor, were both 0-2 officers. The operation she temporarily headed was described by former associates who served in that division, as "basically unmanageable because it had no clear role." The rating officer himself stated that "lines of responsibility admittedly were not always precisely defined." The grievant sought to obtain a review statement in the report without success and the record discloses the placement of a memorandum in her file by the Director of Personnel noting this "serious deficiency." The record also indicates that at the intervention of the Agency's Welfare and Grievances Officer, several changes were made in the 1970 report on the condition, imposed by the rating officer, that the grievant would not file a rebuttal or request any grievance hearing, panel investigation or similar procedure.

On the basis of the investigation, it is evident that between the first and second reports rendered by her supervisor, the grievant's performance did not significantly alter but his rating objectivity did. The cited report blurs or omits important achievements while implying criticism unjustified by the evidence and containing falsely prejudicial statements.

The Board, therefore, has ruled that; (1) The cited report {Parts I and II) and all material related thereto be removed from the grievant's performance file; (2) The low, 5% ranking be annulled and all records pertaining thereto be expunged from the grievant's files and (3) The following statement be placed in the grievant's performance file-

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"The attention of Selection Boards in their review of this folder is culled to the removal of the 1369-1970 evaluation report because of serious deficiencies which, in the judgment of the Foreign Service Grievance Board, destroyed Miss McDonnell's chances for promotion in the past two years. Because of this inequity, her outstanding efficiency record, and the repeated recommendations for promotion in each evaluation report on file since her entry in Class A, the Foreign Service Grievance Board strongly recommends that she be promoted."

Certification of compliance with the Board's order should be submitted to the Board within the next 30 days.

William E. Simkin Chairman, Foreign
Service Grievance Board

cc: Grievant