

## Foreign Service Grievance Board

20, 1973

FILINGS OF THE BOARD IS THE CASE OF  
GRIEVANT  
RECORD OF PROCEEDINGS 73-137-AID-36

GRIEVANT filed a grievance with the Board on July 23, 1973 concerning his dissatisfaction with the way a recommendation for a temporary promotion was processed while he was serving with the CORDS program in REDACTED. The remedial action sought by grievant originally, when he was pursuing his grievance in redacted, concerned improvements in the promotion system applicable to the special conditions in that country. In view of the fact that the Temporary Promotion Program for redacted and the CORDS program itself have been abolished, the requested remedies are no longer appropriate. Grievant is not grieving over his failure to be promoted. He does believe, however, that the treatment he received was unfair and he feels he is entitled to an objective review of the circumstances in his case and a finding based on such a review.

On the eve of his departure from redacted, grievant filed a grievance, dated February 1, 1973, with redacted, Assistant to the Ambassador for Field Operations, and Director of CORDS. This grievance was related to an earlier one filed, on August 25, 1972, with the Deputy for CORDS which was not resolved to grievant's satisfaction. Having received no acknowledgment of his Grievance or any indication of action taken on it, grievant wrote to redacted on April 5, 1973 to inquire about it. In reply, redacted informed him that the CORDS Personnel Committee decided not to act on it because grievant left the service of AID upon his return to the United States.

Background

Grievant, who had previously served a tour of duty in redacted with another agency, entered on duty with AID in April 1971 as an FSRX-6. He arrived in redacted in June 1971 and departed in early February 1973, the decision having been made as early as February 1972 that he would not be returned to the post for a second tour because of anticipated cutback in positions. He was informed of this in April 1972.

During grievant's period of service in redacted there was a provision for an AID employee to receive a temporary promotion, subject to certain eligibility criteria. In addition to the



that is, since January 1972.

The next step was the endorsement of the Deputy for CORDS, redacted. He was on home leave from Kay 8 to July 8, 1972, and his Deputy, redacted, held the recommendation for his return, among other reasons for doing so may have been the fact "■ that redacted was grievant's reviewing officer for his first assignment, in redacted, and therefore had personal knowledge of his abilities and his performance.

About this time redacted, the Province Senior Advisor who had endorsed the promotion recommendation as reviewing officer, . - departed for another assignment. He was replaced by redacted. " .■

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Upon his return redacted reviewed the recommendation for promotion but did not approve it, He did not, however, at that time return the recommendation to the originating office nor did he advise that office in writing that he was not approving the promotion. It would appear that grievant did not meet the eligibility requirements, since he had not been in his position for six months at the time the recommendation was prepared. As noted above, all offices had been put on notice that eligibility criteria would be strictly applied. It is not clear whether it was on this basis that redacted did not approve the recommendation. He did not indicate on the form why he was withholding his approval even when he finally did return the recommendation in September 1972.

leave he had personally told the Province Senior Advisor, redacted, that he would not at that time approve the promotion. He gave as his reason that redacted should have a reasonable length of time in which to judge grievant's performance so that he could be in a position to make a judgment. The "reasonable length of time" was evidently interpreted by redacted to be six months.

The Board notes parenthetically that whereas grievant had not served in his position for six months at the time of the first recommendation, he had been in the position for that length of time by the time redacted assumed the post of Province Senior Advisor. To then require, as redacted seems to have been doing, that the new Province Senior Advisor should have six months to observe grievant's work before he could properly endorse a recommendation for promotion seems unduly bureaucratic. The frequent shifts of personnel in redacted could well make it impossible for a given employee ever to meet the criterion of being six months in the job with rating and reviewing officers who had also been in place for that period.

In any event, six months after redacted assumed the duties of Province Senior Advisor, a recommendation dated December 20, 1972 for a temporary promotion to FSRL-5 for grievant was prepared by redacted, who had assumed the duties of supervisor of grievant in July 1972, and this was endorsed by redacted in a reviewing statement dated December 27, 1972, which, however, referred to the fact that grievant's tour in redacted would end on February 2, 1973. Since the eligibility criteria provided that any recommendation for temporary promotion must be received by the Committee at least three months prior to the departure of the employee from post, the recommendation obviously could not be acted on. It was returned to redacted with the explanation that it did not qualify under the time

leaving aside the factors of the timing of the second recommendation which clearly did not conform to the procedural requirements—redacted certainly had a right to disapprove the first recommendation if he had reason to believe it did not conform to requirements. In view of the very stringent criteria then being required for such promotions, he might well have had several reasons, including the fact that grievant had not met the technical requirement of being in the position for six months,

The Board believes that redacted erred, however, in to return the recommendation promptly with an indication of his reasons for disapproving it. Had he done so, it seems clear that grievant's grievance could probably have been avoided. X:

might well have been the case that he could have qualified for a promotion within the time limitation imposed by the grievance procedure. Grievant performed substantially the same work from January 1972 until his departure from post in early 1973. The Board notes that in all three efficiency ratings compared on him during his redacted period, his promotion was strongly recommended. At the conclusion of his first six months in country, his rating officer stated that in his view Grievant could successfully be advanced to grade S without further delay. But regardless of whether Grievant might have met the standards for a temporary promotion, and efficient use of the papers would have left no doubt that for unexplained reasons he was denied a promotion as a result of Machiavellian maneuvering at the headquarters. The Board does not share Grievant's suspicion and considers it more likely that bureaucratic ineptitude rather than malice was the probable cause of the situation he faced.

Conclusion

While there is no practical remedy at this point for Grievant's grievance, the Board concludes that it should uphold his view that he was the victim of poor personnel practices, including serious delays in processing his first recommendation for promotion and an inexcusable failure on the part of the Personnel Committee to respond promptly to his grievance submitted on February 1, 1973, and to give him the reason why it acted upon it.

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rights when a grievance submission is treated casually or as a matter that may be ignored. It recommends that the Director of Personnel and Manpower of AID take steps to ensure that all foreign service employees are made aware of the implications of the regulations pertaining to the Interim Foreign Service Grievance System, contained in 3 FAK 660 et seq.

William E. Sistkin  
Chairman  
Foreign Service Grievance Board

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