

Foreign Service Grievance Board

1

Koveiaber 15, 1973

TO: The Director of Personnel and Manpower
Agency for International Development

SUBJECT: Record of Proceedings Ho. 73-142-AID-37
Findings of the Board in the Case of
Grievant,

Grievant filed a grievance with the Board on August 23, 1973 stating that she was unfairly removed from her previous position and transferred to a less desirable assignment under the guise of career training. She holds that her transfer was effected because of friction with a co-worker arising from what she terms the latter's complete irresponsibility". She charges also in this connection that management officials failed to take disciplinary action on irregularities she had reported, including preferential treatment allegedly given General Schedule (GS) employees, as opposed to Foreign Service personnel.

Grievant requested a formal hearing on the basis of the above complaints and seeks personal relief as follows:

(1) Proper job placement to insure continued progress in her field of work.

{2} A planned career training program in the Personnel/ Administrative/Management area.

(3) Conversion to Foreign Service reserve career status based on her three years' experience in the personnel field"

The Board conducted an inquiry into grievant's grievance which included an examination of her official personnel file, interviews with former and present supervisors and a discussion with her. On the basis of this investigation, the Board determined that a hearing was not required.

Background

Grievant began her career with AID in 1960 as a secretary in grade FSS-12 and served overseas continuously until September 1972. The ratings in her performance file for this service are consistently excellent and marked by repeated commendations for her dedication, meticulous work, intelligence and industry. It is pertinent to her grievance to note that she is described in evaluation reports as a person who seeks increasing responsibility and strives to improve the efficiency of the office in which she works.

Her most recent overseas assignment was in redacted where she [served with 3JD as an administrative assistant to a deputy mission director, as executive assistant to the mission director, and as f personnel assistant in the Office of Personnel. While still in j. she was selected to fill a personnel liaison job in *va.shj- ington, effective S&pt&ab&x 1972. The position was established i in July 1972 as a result of an AID management reorganization which, i inter alia, created a PH/REP office in the redacted Bureau, as a pilot I' project, to provide personnel support services to that unit. The position was classified at a GS-9 level, which equated with the employee's FSS-5 personal grade.

The record indicates that the project was in a state of flux at | the time the grievant worked there, with fixed procedures still to ! be determined. In an evaluation of the PM/SEP operation, the then Assistant Deputy Director of Personnel Services, redacted, I conducted a series of interviews with personnel in the offices, [including the grievant. As a result of the appraisal made of grievant's work about late October 1972 - (statements conflict { on the date of the interview) - redacted came to the conclusion that the employee lacked the qualifications to perform her duties effectively and that she had been misplaced in the job, ; However, no follow-up action on the determination was taken at [that time.

| In late December 1972, recurring abrasive relations between the grievant and a co-worker came to a head in a, coisplaint by the latter to their supervisor. Hiss Rogers, over xemarXs tkm grievant had n^de in connection with a particular incident. The grievant . 'acknowledges that her remarks were ^ill-advised*¹ aaad states that & reprimand may have been la "larder, "feiat charges~"tha€ i&i© offais?*^ "Sf employee had been *"goofing-of f" and suggests that an investigation : of her time and attendance record would disclose irregularities i that justified corrective action. According to ~:ie record, no i measures were taken against either party by the, supervisor as [a result of the complaint and the countercharge

I In mid-January, at redacted suggestion. redacted con-ferred with grievant about her assignment and career goals. She indicated that her current job in PM/SSP would not do a great deal for her career and suggested that if she planned to pursue a career in personnel work, sbe would benefit by training in an assignment in the offlc« Of foreign Service personnel. However, neither redacted nor redacted apparently had a specific [: job in ainfi. Several days later, t\$fc», grievant went for an interview with an officer in foreign Service |>ersonnel (FSP/&FM) . ! The record is not clear on the circumstances of the interview, ? but the outcome was that witliin a wsefc she movad into a personnel l assistant position in PSP/aPH and the iacuabent of that position, a GS-7 employee was transferred to grievant's 3ob. This

exchange had not originally *been*, intended by redacted or Miss redacted.

On February 20, 1973 grievant filed a grievance with her Agency in which she biassed "suspected pressure" by the offended employee for *hex* transfer from the liaison position. 3"he haste with which the transfer was accomplished, she complained, was an obvious attempt to placate -the aroployee. she elaborated on this grievance in a letter dated May 8, 1973 to redacted as follows:

"There has been *no* SF-50 issued to transfer me to my present position. On the AID/Washington staffing pattern of Harch 28, 1973 I am still listed as the incorabent of the job I held in the redacted VM/SSP office. I am ill lisbo - in a position previously held by aGS-7, the equivalent of two grades balow iay own, in which I have never been shown a job description to indicate what Ey present duties or objectives are... I fear that when *my* next performance evaluation is due...in spite of everyone's stated acknowledgment of iay potential, I will be found lacking in the essentials necessary to perform. *

Following this complaint, the grievant received a job description and reassignment action dated June 8, 1973 which placed her at her FSS-5 personal grade in the job of a Personnel Staffing Special 1st (PSS), grade GS-11. She described this personnel action In a further expansion of her grievance oa June 24, i??3 %s a *sham% affirming that she was still iaetaally /lioSag the work or" a TS-7 . -personnel assistant; that she did not have the responsibilities of a:: FSS nor did she have that experience. ^SI am not a specialist or. Foreign Service personnel natters," s' wrote, "and, presumably, will not even be giver, the training to L-. osie one." In the grievance the employee later transmitted to l s Board, she added the coiaplaxnt that the chief of FSP/AFK had _tstructed his secretary to open isail addressed to her in the office. She holds that this is an invasion of her privacy.

Findings

1) Personnel liaison Position - From all accounts, grievant was selected for this job, while still assigned in redacted, on the basis of faer &nown guaiiffiaations and in competition with Ather employeas. Her supervisor in the liaison position has stated that she was heavily engaged in seeking to make the pilot project work smoothly and was ctna&la to give grievant the full assistance and guidance merited. Further, the grievaut had

been in her position only about seven weeks when redacted concluded that she was misplaced in the job. In the Board's opinion* the foregoing factors indicate that probably an insufficient ■'period of time was given the employee to demonstrate her full ability before the judgment was made on her suitability for the assignment. The question of her return to this position, however, is as been overtaken by the disbanding of the FM/REP offices in a new

2} Personnel Assistant Position - There appears to be general agreement among the officers interviewed that the arrangements for the grievant's placement in this position were mishandled. At the same time, the argument is presented that this position was the right one for the employee in that it was a logical starting point for a career in the Agency's Foreign Service personnel work, notwithstanding her service in redacted as a personnel clerk. There is no evidence to contradict the grievant's claim, however, that she did not receive the expected on-the-job training which would qualify her to perform the duties of a personnel staffing specialist, in GS-11 position she held on paper but for which she had no actual responsibility, with reference to her "sham" job description, her supervisor has stated that when he prepares her efficiency report, he intends to rate her on the basis of her actual duties, which, he asserts, she has performed in an excellent manner.

3} Kail Complaint - When interviewed on this matter, the officer concerned stated that when Ise assumed his present duties, in order to familiarize himself with his new job, he requested that all official mail should be opened and routed to him before

to the satisfaction of the officer. He explained that he announced

B
t
I
at a staff meeting that this would be done. To his knowledge, there was only one instance of mail addressed to the grievant being opened, and he stated that he apologized to her at the time for this occurrence. His secretary identified the mail referred to as a parcel sent from overseas, being no stars and having the appearance by its wrapping of official matter. On learning that it was intended for grievant personally, she said, she expressed her regret to the employee for having opened it.

Conclusion

Upon full consideration of this grievance and the investigation undertaken, the Board has concluded that the employee's complaints relate almost wholly to policies and management procedures of her Agency including employee relations, the initiation of disciplinary action, and equal employment opportunity. Further, with respect to the personal relief she seeks, the action requested of the Board would involve the exercise of authority that, in the Board's opinion, is a management function of the Agency. For the above reasons and in the absence of any evidence that the

grievant's service has been adversely affected by a violation of regulations, the Board has determined that the matters raised in this grievance and discussed in this Memorandum are properly in the interest of the Agency. 1

While recognizing AID's serious employee problem, the Board hopes that in its consideration of Mrs. HqT&xl.a's career, the Agency will take into account her long record of excellent service, her recognized capacity for growth, and her career goals.

William S.
Chairman Foreign
Service Grievance Board

ecs
Grievant

W