EXCISED

Foreign Service Grievance Board .-', - r, r

Novenber 15, 1973

TO; *The* Administrator
Agency for International Development

SUBJECT: Hecord cf Proceedings No. 73-145-AID-39
Reconunendatior. of tne Board in the Case of
Grievant, FSS-8

REFERENCE: 3 FAM 667.3

Grievant *forwarded* a grievance to the Board on September 28, 1973 in which she complained that a 1973 Evaluation Panel statement placed in her performance folder contains errors and falsely prejudicial material. *Sh&* claims that the inaccuracies evidence a negligent review of her file by the panel, resulting in a recommendation against her promotion. To remedy the alleged discrimination, she requests that an ad hoc committee evaluate her official record and reach an independent conclusion about lier performance and standing with her peers.

An inquiry was undertaken by the Board that included a discussion with the grievant, an examination of her official personnel file, interviews with AID officials in the Personnel Division, and a reviev of Precepts for AID evaluation paas&s.

Background - Grievant entered on duty with. AIO i» 1967 as a ' : secretary in grade FSSL-9. Her first assignment was in redacted where she served, until mid-1372. During this period she was pro— noted to FSSL-S in 156S and received a Meritorious Ftep Increase in 1971 for outstanding performance. In February 1572, grievant submitted a letter of resignation mainly, according to the record in this case, because of ar. AID/Washing ton decision to return her to redacted for a third tour of duty, despite her efforts to obtain a transfer toanother overseas post. The letter was later withdrawn and she accepted an assignment in AID/Washington,

In the efficiency report prepared for the period January 1 to June 4, 1972, her rating officer commented as follows:

> Growth Capacity - "If grievant, on her next assign- : Sent^ is'placed in a demanding and challenging position, I believe she will have good growth potential. She has stated that
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> if placed forei gn servi oe a ca reer.B
>
> that size would like to make the

nt Potential - "If she should decide to make a career~wTth~th^~Agency r I believe she would have the potential to advance to an executive or administrative assistant type position."

On September 17, 1972, while serving in Washington, she was converted from limited service status with the Agency to career service. The date of conversion is shown on a personnel abstract which was prepared as of May 1, 1973 and was in her file whsn the evaluation panel reviewed it about aiid-1573. After review of her file, the panel prepared the following statement, a copy of which was placed in her efficiency record;

> "Employee has shown initiative in job performance and possesses excellent secretarial skills. She was converted to career status in 197i. Since that tiste employee expressed the opinion that she was not certain she wanted to remain in foreign service."

Personnel records indicate that of 53 FSS-8 secretaries whose files were reviewed by this evaluation panel, *14,* or about 25% were promoted. Grievant was ranked 15th on the list and shared the comparative score of 24 (out of a maximum 30 points) with two others listed alphabetically below her.

Discussion - As a result of the review of grievant's grievance at the informal stage, the Director of Personnel acknowledged in a Memorandum to her dated Septeraber 26, 1973 that the last two sentences in the panel's statement, above, are incorrect? and stated that the following consents would be added to all copies of the Panel statement:

> "Sorr.e of the shove comments are incorrect. Grievant was converted in 1972 and there is *no* indication in her file that she has expressed an intention to leave the foreign service since that time,"

He added that while it was unfortunate the panel was in error regarding the date of conversion, he did not believe the panel discriminated against her. Kith reference to her proposal that an ad hoc cornsiittee review her file, he held that this would not 2>e "equitable to other employees nor could they make a *"jit&gment.* relative to the previous panel's findings."

Findings - The Board has noted that AID precepts to evaluation panels state that "from Classes 8 to 5 ... a professionally competent person may be promoted on the basis of high-level

competence and demonstrated ability to assume the higher level within the employee's field of work." Elsewhere the precepts state: "Past performance as well as the anticipated ability to assume and effectively carry responsibilities at the next higher level provide the basis for a recommendation for promotion*

With respect to the criterion of "high-level competence", the evaluation panel noted grievant's "excellent secretarial skills'[5]. However, it is apparent from the panel's mistaken impression of the grievant's future status that the second major factor in considering an employee for promotion, potential, may not *xiave.* received full recognition. Given the highly favorable j-: cozrssents in recent efficiency reports about her growth potential, the denial of full value for this factor would, in the Board's view, have significantly disadvantages! her in competing for promotion with her peers. For example, in the appraisal covering her services from January 1 to Deceiaber 31, 1971, the Deputy Associate Director of filS Vietnam wrote the following tinder the section Advancement Potential:

> "The employee is an FSSl«-8 who has served- in a FSS-7 position for the past two and a half years. Indeed, she has more than fulfilled the requirements of this position. I submit that the case for her promotion to the next highest grade is most persuasive and I so recommend without qualifications."

The source of the panel's misinformation, apart from the tion that her file was misread*.: is not clear. However, the conclusion the panel drew about her career status was unwarranted on the basis of the material in her performance file and in all likelihood weakened her prospects for promotion. *The* change from an apparent negative attitude toward her career potential to a positive one, the Board believes, would *have* been sufficiently significant to have produced a higher comparative score. Had she received a rating of 25 points, rather than *24,* she would have been on a score level with a group of *some* eight Class S secretaries who were among the 14 promoted, Moreover, having been in grade for five years and having had particularly good efficiency reports the past two years, her chances for promotion by the 1973 panel should have been especially strong, were she judged not only on the basis of her competence but with full regard for the evidence ir. her file of her ability to assume a higher level of responsibility.

For the foregoing reasons, the Board Jaas concluded that grievant merits advancement to grade FSS-7 *snd* peoGasBSMids that an administrative promotion to this grade be accorded her.

William £« Simkin
Chainsan "'■ Foreign
Service Grievance Board

cc: Grievant
Mr. Williamson (AFSA)