



DEPARTMENT OF STATE

Washington, D.C. 20KC

Foreign Service Grievance Board March 7,
1974

TO: Director of Personnel
Department of State

SUBJECT: Record of Proceedings 73-154-STATE-92
Remedial Order in the Case of
grievant, FSS-8

INTRODUCTION

Grievant, as a newly employed FSS-9 secretary, was assigned to Embassy redacted in September 1970. After assignments in the Embassy Executive Office and*the Labor Attache's Office, she was transferred to the Economic/Commercial Section as the junior of three secretaries serving six officers. Her last redacted Performance Evaluation Report, covering the period from September 8, 1971 to January 14, 1972, contained a "Recommendation Against Retention" supported by several allegations by her Rating and Reviewing Officers. grievant contends that those statements in that PER are biased, untrue and falsely prejudicial. The relief she seeks is the deletion of that PER and its replacement in her Personnel Folder with an appropriate statement.

In December 1973 grievant amended her grievance, as a result of a meeting with the Department's Assistant Medical Director, to include a request to examine her medical records.

ISSUES AND FINDINGS

The Board *s inquiry has taken the form of a thorough examination of grievant's Personnel and Administrative Folders and the other pertinent documents in the case. Interviews have been held with three officers who served with her in redacted, the Chief of the Secretarial Counseling Branch and the Assistant Medical Director of the Department. The investigating Board members have also conferred with the grievant and her representative, Irw^n,.. Pernick of the American Foreign Service Association. Foreign Service Inspector John Calvin Hill died before he could be interviewed .

The January 1972 PER

This report, the fourth prepared for her during her 18-month tour, was written by FSO-4 redacted and reviewed by FSO-3 redacted. Deputy Chief of Mission redacted was

the author of the Probationary Report Section of the PER which recommended against her retention in the Service.

redacted, in four and a quarter single-spaced pages, covering grievant's performance over a four month period, devoted most of his lead paragraph to a discussion of her positive qualities. In it he referred to her high productivity, accuracy, adaptability and her ability to work effectively under pressure. Giving her high marks for her efforts to improve morale in the office, he credited her with a willingness to undertake additional work and to assist others. The succeeding four pages are largely devoted to a list of charges ranging from tardiness to an inability to get along with others, including a substantial amount of minutia.

Reviewing Officer redacted required three pages to lay out his list of grievant's shortcomings which closely paralleled those set forth by the Rating Officer. Grievant has attempted, with some success, to rebut these charges, supported' in part by statements to the investigating Board members from officers at the Post at the time. This is not to say that her performance at redacted was flawless, nor could it be expected to be at her first Foreign Service post.

Attention should be invited to some of the mitigating factors involved. First, the evidence is strong that, due to a combination of circumstances, morale at redacted during this period was extremely low. Second, it has also been indicated that supervision within the Economic/Commercial Section left much to be desired. One officer who was there at the time described the difficulties of merely routing messages within the Section and the long debate as to which junior officer would be responsible. Finally, at the beginning of the rating period the previous officers were replaced, further complicating the other nagging problems confronting an inexperienced secretary.

All this aside, the Board's principal justification for ordering the removal of the offending PER from the grievant's file is the Department's refusal to accept the recommendation against retention. Not only was this done, but the Department went even further by providing French language training for her prior to assigning her to a European post. Parenthetically, the Board observed that this recommendation against retention was not supported in the record by any of grievant's other supervisors under whom she had served for fourteen of the eighteen months of her tour. Some passing attention might be given to the somewhat elaborate job description for an FSS-9 secretary, as well as a 7-8 page PER for a junior grade secretary.

CONCLUSIONS

A. PER September 1, 1971 - January 14, 1972

In view of the foregoing, the Foreign Service Grievance Board orders the deletion of Parts I and II of the Performance Evaluation Report, covering the period from September 8, 1971 to January 14, 1972 from grievant's Performance File. Additionally, all rebuttal statements to this PER will be excised. In its place the following statement will be substituted:

"Parts I and II of the Performance Evaluation Report for the period ending January 14, 1972, plus any rebuttal statements thereto, have been removed from grievant's Performance File by order of the Foreign Service Grievance Board.

March 7, 1974"

B. Access to Medical Records

This grievance was later amended to request that grievant be permitted to examine her medical records. This request has been granted, and she has, in fact, examined her medical file. The Board, therefore, considers this added phase of the grievance as having been properly concluded.

SUMMARY

The Board orders the deletion of the efficiency report in question and its replacement by a specified statement. The grievant has already obtained access to her medical records and no Board action on this feature of the grievance is now necessary.

William E. Simkin
Chairman Foreign
Service Grievance Board

cc: Grievant
Mr. Pernick (AFSA)