

## Foreign Service Grievance Board

February' 20, 1975

## MEMORANDUM

Findings of the Board in the Case [REDACTED]  
[REDACTED], FSR-4,  
Record of Proceedings 74-248-AID-91

The Grievance

On November 14, 1974 [REDACTED] wrote to the Grievance Board that he had been "illegally assigned an Agency Occupational Specialty Code (AOSC) pursuant to AIP Management's unilateral issuance of MO 476.2 dated June 12, 1974...". He did not specify what the new AOSC might be, but he stated that he had been advised that his Backstop Code was being changed from 01 (i.e. Mission Directors, Deputies, AID Affairs Officers, and comparable) to 04 (Controller). Continuing, Harrell stated that the procedure by which MO 476.2 had been issued violated his rights under EO 11636. He summarized: (!) an AOSC had been imposed on him against his will, resulting in an inaccuracy and error in his personnel file; (2) the procedure by which the AOSC had been assigned to him was defective; and (3) he was thereby "vulnerable to placement on an improper competitive level for RIF purposes."

[REDACTED] requested as relief that his "old" AOSC be reassigned to him pending the outcome of the Unfair Labor Practice case filed by AFSA against AID concerning MO 476.2, and, if AFSA was upheld, any revised AOSC consistent with his position be withheld until the decision was properly implemented.

[REDACTED] grievance had not received final informal review in AID so was referred to the Director of Personnel and Manpower for consideration. The latter replied to [REDACTED] on December 24 that he found his personnel file accurate and complete and consequently did not agree with [REDACTED] allegation that there was an error in it. The Director noted that the issue of AFSA's Unfair Labor Practice charge was before the Employee Management Relations Commission for resolution.

The Grievance Board accepted jurisdiction on January 2; an investigation was carried out based on [REDACTED] administrative and performance folders and an interview with him, during which he furnished additional documents.

Background on 'Isrrell's AOSC

In recent years ██████████ AOSC and position title have been changed on four occasions. In ██████████, where he had been assigned as AID Operation Officer (AOSC FR 0340), his title changed\* with his approval, in June 1968 to Regional AID Operations Officer following consultations with the Embassy and AID Washington.

In April 1969/ due to revision of the Handbook on Position Titles and Occupation Codes his AOSC was redesignated as 0340.15.

In May 1970 ██████████ was reassigned and transferred to the Foreign Service Complement of AID bearing the title of AID Operations Officer, AOSC FR 0340. In September 1970 he was again reassigned to the ██████████ Bureau, Office of -Development Planning, where he was given the position title of Budget Analyst, AOSC FR 0560, Backstop Code 09. However, the personnel action document stated that his AOSC in the event of a reduction in force (RIF) would be 0340.15 and his title, AID operations Officer.

██████████ position title and AOSC remained Budget Analyst, FR 0560, from 1970 until the summer of 1974. His AOSC for RIF purposes presumably remained 0340.15.

On July 30, 1974 the Office of Personnel and Manpower sent ██████████ a form memorandum notifying him that for purposes of Evaluation Panel review his Backstop Code was to be changed to 04, Budget Officer, from his previous evaluation Backstop Code of 01, AID -█ Operations Officer. Presumably this memorandum supplanted the 1970 personnel action which assigned him the AOSC 0340.15 for RIF purposes. 3^ate: the Office of Personnel elaborated on this matter in a memorandum to ██████████ saying that his position title and code were Budget Off. ^x, 0560.01, Backstop Code 04, and that the occupational code had implications for RIF purposes in determining an employee's competitive level. Although ██████████ had indeed had the title of Budget Analyst for four years, he objected to this proposed change in a series of memos extending through October.

He noted that his position was not that of a budget expert or controller but rather isore closely aligned with the duties of a prograja officer. He and his supervisor had agreed on these duties to match his »kills and experience, and even though the position title might indicate that budget responsibilities were foremost, this was the result of ██████████ predecessor having been an accounting expert. Moreover, ██████████ stated to the Office of Personnel, in late October, he had been given to understand by his supervisor that lie was b«ing processed for a new position \*\*faich would have

the Backstop Code of 02 which he found acceptable and appropriate.

Returning to ██████ letter of November 14, he grieved that his . . . Backstop Code was being changed from 01 to 04 without his agreement. His administrative file reveals that on November 15 he was reassigned from Budget Analyst, 0560.03, to Assistant Program Officer FR 0345, and, in the event of a RIF, his designation would be Assistant Program Officer, 0345.03, Backstop Code 02. The administrative file also shows that Barren's reassignment had been approved by the Assignments Board on November 6. Thus it would appear that the portending reassignment which Harrell noted in late October {see end of preceding paragraph} was accomplished, removing from ██████ -position the title of Budget Analyst, and assigning it the title of Assistant Program Officer, a title closely in accordance with ██████ responsibilities as well as his wishes, and bearing the Backstop Code 02 which he found acceptable. In short, ██████ fears that he would be forced into an AOSC and Backstop Code which were improper were not borne out by events.

### Findings

Regarding ██████ grievance that his rights under EO 11636 have been violated, the Board has ruled in other cases that the question of an employee's rights and the AFSA Onfair Practices case before the Employee Management Relations Commission on MO 476.2 are inseparable and are not within the jurisdiction of the Board. Moreover it is noted that ██████ reassignment in November, following some months of uncertainty, regularized his situation by an appropriate description of duties and an appropriate accompany-' ing AOSC and Backstop Code.

As ██████ finds his current AOSC and Backstop Code acceptable there appears no reason for the Grievance Board to consider his i ruested relief to order the reassignment of his "old" AOSC -t at which he held for RIF purposes from 1970 - 74, 0340.15.

With respect to ██████ complaint that the proposed changes in his AOSC and Backstop Code would have made him vulnerable to placement on an improper competitive level for RIF purposes, the Board has no evidence on which to raake a judgment. This matter is not immediately relevant in any case since ██████ did receive ; an AOSC and Backstop Code agreeable to him and appropriate to his responsibilities.

Summary

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██████████, FSR-4, in the Bureau for East Asia of AID grieved ""^ that under Manual Circular 476.2 of June 12, 1974 an AOSC fead .,/ . been assigned to him against his will, that the procedure by'-;4|,S which this had been done had been "defective", and that, as ia,i-consequence, he had been made vulnerable to placement at an ~' improper competitive level for RIF purposes. The Board found after an investigation that in so far as his grievance was related 1 to the unfair labor practices case brought against AID and the ^ Department of State by AFSA it did not have jurisdiction. Sow-^ ^?:"| ever, the Board also established that subsequent to tha *rnntmLmsixia.* ;..| of his grievance ██████████ had been assigned an AOSC which -warn £&&^;y% only appropriate to his responsibilities but was agreeable to ^ : "i him. Thus, 'the Board found no error or inaccuracy in his file. ;;f

William E. Simkin  
 Chairman Foreign  
 Service Grievance Board

ec; S3R/FH  
 AFSA