

BEFORE THE FOREIGN SERVICE GRIEVANCE BOARD

In the Matter Between


Grievant

And

United States
Agency for International Development

Record of Proceedings
Case No. 2010-023

Date: January 24, 2011

**ORDER: TENURE AND
PROMOTION RELIEF**

EXCISED

For the Foreign Service Grievance Board:

Presiding Member:

Arthur A. Horowitz

Board Members:

Jeanne L. Schulz
Nancy M. Serpa

Special Assistant:

Joseph Pastic

Representative for the Grievant:

Bridget R. Mugane, Esq.

Representative for the Agency:

Harmony Wade, Esq.

Employee Exclusive Representative:

American Foreign Service Association

ORDER: TENURE AND PROMOTION RELIEF

This Order issues based upon a Joint Request for Board Order Recommending Tenure and Promotion Relief. In that submission dated January 13, 2011, the parties explained that they have entered into a settlement agreement, one element of which is that “[REDACTED] should receive tenure retroactive to the date of execution of the agreement and a promotion from FS-04 to FS-03, retroactive to August 15, 2010.” The Joint Request was signed by Agency Representative Harmony Wade and by Douglas P. Broome, AFSA Senior Labor Management Advisor, for Bridget Mugane, Counsel for [REDACTED].

The parties jointly moved that the Board issue an Order pursuant to Section 1107(d)(1) of the Foreign Service Act, 22 U.S.C. §4137(d)(1), as amended, recommending that the Administrator of USAID grant tenure to [REDACTED] retroactive to January 13, 2011 and promote her from FS-04 to FS-03 retroactive to August 15, 2010.

Based upon the content of the Joint Request and for the reasons stated therein, and based upon the Record of Proceedings in this matter, it is hereby recommended that the Administrator of USAID grant to [REDACTED] tenure, retroactive to January 13, 2011, and a promotion from FS-04 to FS-03, retroactive to August 15, 2010.

In accordance with 22 CFR Section 908.3, the Administrator shall make a written decision on the recommendation of the Board within 30 days after receiving the recommendation and shall implement the recommendation of the Board except to the extent that the Administrator rejects the recommendation in whole or in part on the basis of a determination that implementation of the recommendation would be contrary to law

or would adversely affect the foreign policy or national security of the United States.

If the Administrator rejects the recommendation in whole or in part, the decision shall specify the reasons for such action.

Copies of the decision shall be served on the other parties. Pending the decision of the Administrator, there shall be no *ex parte* communication concerning the grievance between the Administrator and any person involved in the proceedings of the Board. The Administrator shall, however, have access to the entire Record of the Proceedings of the Board.