

Protection Against Retaliation Form



Ethics Office

380 Madison Avenue, M12075

New York, NY 10017

917-367-9858 helpline – 917-367-9861 fax

Pursuant to ST/SGB/2005/21, "Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations", I am making a complaint of retaliation for having previously reported misconduct or having cooperated with a duly authorized investigation/audit and seeking protection.

== ALL REQUESTS FOR PROTECTION AGAINST RETALIATION ARE CONFIDENTIAL ==

I. Background

Please provide the name, position, and agency of person(s) who has committed the alleged act(s) of retaliation:

- 1) Mr Vlad Dzuro. Investigator, OIOS/ID (First Reporting Officer)
 - 2) Ms. Roberta Baldini. Chief of Section, OIOS/ID (Second Reporting Officer)
 - 3) Mr. Michael Dudley. Deputy Director, OIOS/ID
- Now added
- 4) Ms. Carman Lapointe, Under-Secretary-General, OIOS

II. Protected Activity (Section 2.1 of the SGB refers):

Did you report misconduct? **Yes.**

What misconduct did you report? Please describe in the context of Section 2.1 (a) of the Bulletin. If known, please stipulate the specific UN rule or regulation that was violated.

Harassment & Abuse of Authority, per ST/SGB/2008/5, sections 1.2 & 1.4, relating to the failure on the part of Dzuro and Baldini to comply with terms of ST/AI/2010/5 para 10 regarding the identification of alleged "performance shortcomings", and coercion detailed in email from Sophia Richter to me dated 4 March 2013 at 3:38pm, being an unlawful attempt to make renewal of employment contract dependent on agreement to sign said Performance Improvement Plan.

A handwritten signature in black ink, appearing to be 'ABG'.

Protection Against Retaliation Form

To whom and when (date) did you make your report of misconduct?

Mr Michael Stefanovic, Director, OIOS/Investigation Division, by letter dated 10 March 2013.

Following on failure of USG to take action under ST/SGB/2008/5, para 5.14, this was elevated to the Office of the Secretary-General on 23 July 2013

Did you cooperate with a duly authorized investigation or audit?

Yes.

In the first instance, although the USG/OIOS failed to review the complaint to assess whether it had been made in good faith and contained sufficient grounds to warrant a formal fact-finding investigation as per ST/SGB/2008/5, para 5.14, the USG did follow up with me, on 14 March 2013, to enquire as to whether or not another senior staff member in OIOS/ID (Mr. Florin Postica) was responsible for instigating my complaint of 11 March. (I explained to the USG that this was not the case; that Mr. Postica had told me no such thing.)

Secondly, after elevating the complaint to the Secretary General on 23 July 2013, a decision was made to refer my complaint to the Under-Secretary-General for Management for appropriate action. After a delay of several months, I had an initial meeting with the panel that was appointed on 15 November 2013 (comprised of Ms. Enrica Taddei and Ms. Ana Larrea) and promptly provided them with the further documents they had requested.

Almost three months have passed and the Panel members have taken no further action.

Who was, or, has been made aware of your cooperation?

I believe that all four persons named in my complaint were aware of the complaint almost as soon as it was submitted.

The fact that the USG/OIOS telephoned me on Thursday 14 March means that at least one person must have known that the complaint existed at that time.

If they were not aware of it earlier, (1) Mr. Dzuro were made aware of the existence of a complaint against him by 13 May 2013, per my email to the Director OIOS/ID at 4:18 pm on that day, and on which he was copied, and (2) Ms. Baldini was aware of the fact that she was named in the complaint because it was clearly stated in the comments I entered in Section 7, the Self-Appraisal section of my ePAS on 16 May 2013.

Protection Against Retaliation Form

When did the investigation or audit take place? What was your role? (complainant, witness, other) Was a report completed?

In the first instance, to the best of my knowledge and belief, other than the phone call from the USG on 14 March 2103, no action was taken to investigate my complaint.

The Panel appointed by DM has met once, on 15 November 2014.

Was your report of misconduct made in writing? If yes, please provide a copy of your report; otherwise, summarize the reported misconduct below (please specify the information or evidence cited in your report that supports a reasonable belief that misconduct occurred).

Yes.

- 1) **Letter of Complaint to Director OIOS/ID dated 10 March 2013**
- 2) **Performance Improvement Plan dated 1 March 2013, (presented for signature on 28 February)**
- 3) **My response to draft PIP (submitted 11 March 2013)**

III. Allegation of Retaliation:

Describe, in as much detail as possible, the detrimental action(s) (i.e. alleged retaliation) that you suffered as a result of your protected activity, described in Section II (i.e. reporting the misconduct, or, cooperating with a duly authorized audit or investigation). Please attach additional pages, if necessary.

1. **Grossly hostile End-of-Cycle Appraisal for the year ending 31 March 2013**
2. **Summary of ongoing harassment on separate pages attached**

Please explain why you believe the protected activity led to the alleged retaliation? If you are alleging several acts of retaliation, please provide a link between the protected activity/activities and each alleged act of retaliation.

My responses to my end-of-cycle evaluation are encompassed in my rebuttal document.

The end-of-cycle evaluation makes specific reference to the PIP and my efforts to seek answer to the questions I raised about it.

Protection Against Retaliation Form

The evaluation raises a number of minor and very petty clerical errors, which are presented as indicative of poor management skills. These were not mentioned in the PIP and are indicative of Mr. Dzuro having gone to considerable lengths to find anything at all that could be used against me – exactly as predicted in my email to the Director OIOS/ID on 13 May.

Please list any evidence or documentation that would support your allegation of retaliation. If available, please provide the documents listed.

- Letter of Complaint to Director OIOS/ID dated 10 March 2013
- Performance Improvement Plan dated 1 March 2013, (presented for signature on 28 February)
- My response to draft PIP (submitted 11 March 2013)
- Performance Improvement Plan dated 19 March 2013,
- My response to 2nd draft PIP (submitted 22 March 2013)
- Email to Director OIOS/ID dated 13 May 2013 at 4:18 pm requesting removal of Mr. Dzuro as FRO.
- Text entered into Section 7, the Self-Appraisal section of ePAS on 16 May 2013.
- Text of End-of-Cycle Appraisal for the year ending 31 March 2013.
- Rebuttal of End-of-Cycle Appraisal dated 16 July 2013
- Summary of Ongoing Harassment.
- Letter dated 31 January 2014 confirming complaint of harassment against me (re the whiteboard incident of 14 January) to be submitted to Fact Finding Panel under ST/SGB/2008/5.
- E-mail dated 3 February 2014 re investigation by SIU

Please provide the names and positions of any individuals who may be able to provide corroborating information to support your complaint of retaliation:

I do not believe that Third Party witnesses are able to add significantly to the information in the attached documents.



Protection Against Retaliation Form

IV. Purpose of complaint:

Please state your goal in lodging this complaint. What would you like to happen?

Initially I simply wanted to know precisely what I may have done that made the PIP necessary. The repeated refusal to even address any of the questions I raised has made it clear to me that no justification actually exists.

My objectives are now twofold:

- 1) to enforce transparency in this office and take all possible steps to eliminate any indications of bias, prejudice or corruption, and**
 - 2) to take all necessary steps to defend and preserve my professional reputation.**
-

V. History

Who else besides the Ethics Office have you contacted for assistance?

The decision of the Rebuttal Panel was referred to Management Evaluation Unit on 30 September 2013. A response is now more than three months overdue.

Do you have a case pending in any other forum? (e.g. OHRM, DPKO Conduct and Discipline Unit, OIOS, MEU, UNDT)

A panel was formed to investigate the complaint I made on 11 March 2013. The panel met once, on 15 November 2013 and there is no word of when a second meeting may be held.

Note: In accordance with Section 3.3 of the ST/SGB/2005/22 (Ethics Office – establishment and terms of reference), “[T]he Ethics Office will not replace any existing mechanisms available to staff for the reporting of misconduct or the resolution of grievances, with the exception of certain functions assigned to the Ethics Office ...”

AR

5/12

Protection Against Retaliation Form

VI. Complainant Declaration

I declare under penalty of disciplinary action that the foregoing is true and correct to the best of my knowledge.

Peter Anthony Gallo

Name (please print)

Investigator.

P4 / 8

Title

Grade/Level

Inverstigation Division / Office of Internal Oversight Services. New York

Division/Office / Department / Agency / Duty Station

917 - 367 - 4265

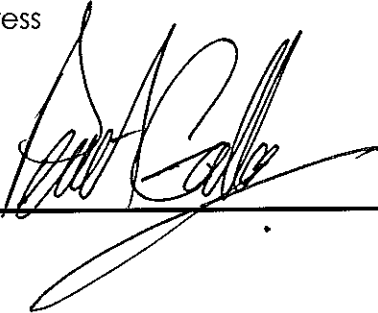
917 - 575 - 8835

Phone No.

Mobile No.

gallop@un.org

Email address



4 Feb 2013. New York

Signature

Date and Duty Station

Attached:

Peter A Gallo : Summary of Ongoing Harassment

I joined the Organisation on 21 March 2011. I am aware of absolutely no complaints about me from that date until 11 March 2013; the day I had to make a complaint under ST/SGB/2008/5.

after Mr. Dzuro and Ms. Baldini refused to provide me information to identify any alleged performance shortcomings I may have had, as required in ST/AI/2010/5.

As soon as I made the complaint on 11 March 2013, I was accused (falsely) of having said that Florin Postica was involved in it.

I returned to work on 26 June 2013 after a period of medical leave. I had left a photograph of myself with my 9 year old niece on my desk, in a perspex photo frame. When I came back to work, I found it had been damaged, someone had struck the picture with a hard object, causing damage above my eye. Since then, I have been subjected to an incessant stream of petty complaints. I believe these to be retaliatory and intended to undermine either my credibility or my willingness to remain in this job.

If my complaint is upheld, especially after the disclosures about Ai-Loan Nguyen-Kropp, it will show a pattern of retaliatory behaviour in – by the same parties – and that senior management failed to take corrective action. Accordingly, anything that can be done to deflect attention away from any criticism of the parties responsible will be welcomed.

It has been very apparent to me since 26 June 2013 that the tiniest thing I did would be blown out of all proportion, while no action would be taken to highlight very serious failures in the conduct of investigations by Dzuro or Baldini.

25 Mar 13	Assigned clerical task of drafting pro-forma Referral Memo for Case 0143/13, which I did. On 31 March 2013, the Reporting Year ended. Two weeks later, while there was no question that I had <u>not</u> drafted the Memo, RMB pointed out that I had failed to create a case file and upload the documents. Actually, I have no idea what the fuss is about here but this was important enough to be included in my End-of-Cycle Appraisal for y/e 31 March so it is included anyway.
24 Apr 13	It was brought to my attention that a Referral B (case 0392/12) had not been drafted as per instruction. Again, I had done the work and it appeared that it had not been completed. There was information to suggest the Intake Committee might want to reconsider and close the case. That I should raise a question about how the allegation should be investigated was of absolutely no concern. RMB then introduced more errors in her "corrected" version than I had made in the

AG

	original. I was also criticised for failing to put my initials in the appropriate box in a documents register, which was a list of no more than 5 documents and which made no difference to anything - but this was cited as an example of an alleged 'performance shortcoming' on my part.
13 May 13	Failure of USG/ID to temporarily suspend FRO from any supervisory duties on account of the fact he had a clear personal interest in giving me an undeservedly bad End-of-Cycle Appraisal, if only to justify the PIP.
26 Jun 13	Returned from medical leave, arrived approx. 9:30. Notification of End of Cycle Appraisal received approx. 10:15 – by which time my return had been noticed.
26 Jun 13	Returned to find personal photograph on desk had been physically smashed with a hard object, striking above my eye; clearly a deliberate act of criminal vandalism.
27 Jun 13	Met VZD in office, told him that I still demanded answers as to why PIP was justified. No satisfactory explanation, but he told me he did not have to, saying <i>"It's the law of the land."</i> This was condescending and insulting. I did not take it any further; VZD immediately complained to RMB who was at a management event. DW told me not to annoy them, and to be civil.
9 Jul 13	My name found to have been mysteriously deleted from NY office mailing list. No satisfactory or even credible explanation given; IT tech blamed.
5 Aug 13	DW returns from Annual leave. Before lunch, VZD complained to him about my having <i>"failed to show respect"</i> at some indeterminate date several two weeks earlier, and which was so minor I had forgotten about. I had reflected his own sarcasm to me on 27 June, when I had asked him – very politely - how his law degree was coming along. VZD <u>could</u> have complained immediately to Florin Postica, who was my temporary acting supervisor) but failed to do so; because VZD <u>will not speak to Postica.</u> Technical clarification; re email DW-PAG 070813-1125, I believe I actually called him an <u>arrogant f*cker</u> , not just a plain ordinary vanilla one. It didn't want to criticise Dan's note-taking at the time.
8 Aug 13	Simple request to Mia Kenny – estimated to take 5 minutes - about what information might be available on IMIS becomes major issue taking all day with Sophia Richter copying MD on multiple emails and obstructing progress of an request that would allow me as to plan a cost-effective investigation. In the end, DW had to get involved and – oddly enough – the answer was available in 5 minutes.
22 Aug 13	Inordinate difficulties complying with DW simple request that I move from present cubicle to another, which was smaller and a "G" size cubicle, and reserved for a member of staff not yet employed. (Post not even advertised.)
7 Oct 13	Contacted by USG and asked to comment on complaint by RMB dated 15 Aug 13 that the previous week, she (RMB) had seen me going into Mia Kenny's cubicle and that I used "rude words" about her, which she did admitted was hearsay, and that this is

PAG

8/12

	<p><i>"another example of Peter's unprofessional and hostile behavior".</i></p> <p>Explained I had absolutely no idea about it or any recollection of any such incident. Asked for clarification of what I am alleged to have said, got no response.</p>
28 Aug 13	<p>RMB organised a stress management event in office, ostensibly for "everyone". Curious that I, being the only person to actually have been on leave for stress, was not invited.</p> <p>Explanation was that instead of sending it to "OIOS-ALL" by email, RMB only sent it to her own team, with cc to Dudley. Dudley copied it to Schultz & Mulley, for them to forward to their teams – so the only people NOT actually invited out of the HK office are DW & self... <i>whose presence might be something of an embarrassment.</i></p>
28 Aug 13	<p>I discovered that an important email (from MEU) sent on 26 July had mysteriously vanished from my Inbox. I simply never received it. When I followed up with the sender, and subsequent traffic made it clear that they had sent the message but that it had never been received by me; the "lost" emails suddenly re-appeared as if my magic.</p> <p>I believe my email was being accessed at the server, and "somebody" realised they had removed it, so went to replace it.</p>
30 Dec 99	<p>I discovered that Investigation report 0496/11, completed on 27 Feb 14 had been held back by RMB. This report – discussed at length in my Appraisal – was the subject of numerous unnecessary re-writes before VZD/RMB were finally happy with it, but it had <u>still</u> not been submitted to PPS for review after 8 months. This unprecedented delay was an attempt to find fault with a report that had already been completed to RMBs satisfaction. <u>The unnecessary delay allowed the Subject to retire from the Organisation before disciplinary action could be taken.</u></p>
2 Oct 13	<p>RMB complained about an e-mail I had received from a Mission, in regard to a case I was no longer working on, and which I forwarded to the assigned investigators. She complained that she was not copied, and that I was in violation of Office protocol on Electronic Communications.</p> <p>DW told me to read the Protocol, which I duly did; there is <i>absolutely nothing</i> in it about forwarding emails, <i>so what exactly was she complaining about?</i></p>
28 Oct 13	<p>Following Postica/Nguyen-Kropp hearing – DW got an immediate complaint from MD after I met him in lift lobby, challenged him on his allegation that his 5 year old daughter could do a better of job as USG than Ms. Alhenius.</p> <p>In fairness, this complaint was possibly deserved - but MD complained about me for embarrassing him with information that he had initiated and was now in the public domain.</p> <p>In contrast, absolutely <u>no</u> action has ever been taken against MD for bawling and shouting at Min at the time, for intimidating the USG, for interfering with evidence in 0052/09, breaching confidentiality by discussing matter with DM, retaliating against</p>

DAG

	ANK, threatening ANK that he would make her ePAS worse, initiating groundless investigation into FCP & ANK, for failing to disclose Carry Spork's conflict of interest and for costing the Organisation <i>how much exactly?</i>
7 Nov 13	<p>On 20 May 2013, I wrote a file note in the ridiculously petty matter of 0392/12 – the same case as mentioned re 23 March above and was covered in my Rebuttal (pp 22 & 23 & Annex D). VZD/RMB (<i>conveniently ignoring the incompetence referred to in the Note</i>) then apparently complained to the USG about the sarcasm in the NtF – and DW raised it with me on 7 November; <i>several months AFTER it was written.</i></p> <p>The only logical explanation I can suggest is that VZD must have missed the memo when writing my Appraisal – or it would have been included! - and it must only have been found months and months later, when RMB did something about sending it out.</p> <p><i>Why was this sent to the USG? Why were VZD/RMB still making complaints about me long after I had been moved out of their unit?</i></p>
14 Jan 14	<p>Massive over-reaction by Dudley to doodling on a whiteboard. He could have wiped it off, but instead carried it off to be photographed and complain to the USG, who then instructs Director to interview me. I admit everything and demand to be charged with misuse of a non-permanent marker on a whiteboard.</p> <p><i>Why was this petty nonsense so important that the Director himself had to do it, instead of DW?</i></p> <p><i>Is there, in fact, anything that is on a level which is <u>so</u> petty that the USG will not deal with it?</i></p> <ul style="list-style-type: none"> • Alternatively; given that it is now publicly known that Dudley got his way by using threats against the previous USG; <i>Is the explanation for the current USG's action due to similar threats?</i>
23 Jan 14	Report of “an incident” involving RMB. I have no idea what this was about or what I was supposed to have done, only that DW had to ask me what I had done.
29 Jan 14	Report of “an incident” involving VZD. I have no idea what this was about or what I was supposed to have done, only that DW had to ask me what I had done.
On asking Dan Wilson (current FRO) about these two complaints, his response was <i>"I don't have a lot of details on either incident. Just that it was some physical contact that did not occur, but might have if the other parties had not gotten out of the way? As noted, I do not have all the details. Best that you speak one on one with whoever has approached you on the matter for full particulars."</i> (My emphasis.)	
31 Jan 14	<p>Following the whiteboard “incident” of 14 January: USG appoints a fact-finding panel under ST/SGB/2008/5, accusing <u>me</u> of harassment for embarrassing Dudley with the facts of something that he himself admitted.</p> <p>The panel will consist of two OIOS staff members!</p>
04/02/14	Invited to attend interview in investigation being undertaken by SIU; purpose unknown.



TO: Mr. Peter Gallo, Investigator
A: Investigations Division, OIOS

DATE: 31 January 2014

REFERENCE: OUSG-14-00067

THROUGH:

S/C DE:

FROM: Carman L. Lapointe, Under-Secretary-General
DE: Office of Internal Oversight Services

SUBJECT: **Appointment of a Fact-Finding Panel to investigate a complaint of prohibited
OBJET: conduct under ST/SGB/2008/5 lodged against you on 17 January 2014**

1. Please be advised that pursuant to the Secretary-General's Bulletin on the Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2008/5), I have appointed a Panel comprised of Mr. Yee Woo Guo and Mr. William Petersen to conduct a fact-finding investigation in connection with a complaint of "Harassment, Discrimination and Abuse of Authority" lodged against you on 17 January 2014 by Mr. Dan Wilson.
2. The Panel has been tasked with establishing the facts in relation to the complaint and has been instructed to treat all information developed during the fact-finding investigation with sensitivity and confidentiality to the maximum extent possible in order to protect the privacy of the individuals concerned.
3. The Panel will contact you in the near future to arrange an interview. In the meantime, if you have any questions about the fact-finding process, please feel free to contact Mr. Guo at 917-367-3674 or Mr. Petersen at 201-880-0408.

Copy to: Mr. Yee Woo Guo
Mr. William Petersen
Ms. Catherine Pollard



Interview

Eric Bramwell to: Peter Gallo

03/02/2014 02:04 PM

History: This message has been replied to.

	Date	Subject	
	Peter Gallo	04/02/2014 09:35 AM	Re: Interview

Hello Mr. Gallo,

Based on a complaint received by the Special Investigations Unit of the Security and Safety Service I am requesting that you make yourself available for an interview on Wednesday 5 February 2014 at 1000 hours. I can be contacted on my mobile or extension numbers below.

Thank you for your cooperation.

This e-mail contains confidential and/or privileged information and is for the sole use of the intended recipient. It may not be disclosed to or used by anyone other than the addressee. If you are not the intended recipient (or have received this e-mail in error) please notify the sender by return e-mail and delete this e-mail and all attachments from your system.

Sgt. Eric Bramwell, OIC
Special Investigations Unit
Security and Safety Service
Tel. (917)478-4627
Ext. 7-9852

12/12