

Quotation from "PIP 1 March 2013 with DZV comments.doc"
Attached to e-mail from Roberta Baldini to Peter Gallo dated
28 Feb 2013 at 12:58 PM

Peter Gallo comments and questions

**Target 1.
Ensure proper focus of your investigations**

This topic is entirely subjective. The determination of what constitutes "proper focus" is immeasurable and undefined. I do not believe it is appropriate to include in a Performance Improvement Plan.

Follow directions given by the Intake Committee and your supervisors.

I know of no instance when I have ever failed to follow such directions.

Q: 01 Can you cite any instances when any such failure was ever brought to my attention?

Address issues within the scope of the case.

I know of no instance where any I have failed to address any issue within the scope of the case.

Q: 02 Can you cite any instances when any such failure was ever brought to my attention?

There have, of course, been cases where certain lines of investigation were discontinued for lack of evidence and an Investigation Report prepared on only the remainder, but I am not aware of any such decision ever having been made without direction from my supervisor.

You must prepare an Investigator's Work Plan for each case assigned to you. The plan must be prepared on the OIOS/ID standard Investigators Work Plan template and among other items, it must include the following items:

At no time has my FRO requested sight of any such Workplan or asked to discuss interview questions with me prior to an interview.

Q: 03 Can you provide any examples of my failure to properly plan an investigation?

Q: 04 Can you provide any examples of my failure to properly prepare for an interview?

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The reported misconduct

I was aware of this.

Q: 05 Can you confirm if it is OIOS policy, once the Intake Committee has made a determination that some misconduct may have taken place, that the investigator is required not to be alert to the possibility of other misconduct or criminal offences being revealed as a consequence of the investigation?

Scope of the investigation

I was aware of this.

However, as an ancillary point:

Q: 06 Can you confirm if it is OIOS policy, once a misconduct investigation is underway, that the investigator is required not to remain alert to possible criminal offences that may have been committed by parties who were not UN staff members but who may have engaged in criminal behaviour which resulted in a financial loss or other disadvantage to the United Nations?

List the rules and regulations you will use in investigating the case.

I do believe I have the necessary qualifications and background to understand what is legally required to establish a case of misconduct.

What are the elements of each rule/regulation you need to prove?

Q: 07 Can you provide any examples of when I did not understand these requirements?

(Make a chart where you actually divide the rule into elements and then under the element list how you will prove it. As you get the evidence list it on the chart.)

I dispute that such an elementary level procedures are warranted.

How do you expect to prove each element?

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<p><i>Who are you interviewing and why?</i></p>	<p>I was aware of this</p> <p>Q: 08 Can you provide any examples of my having interviewed any witness without knowing the reason why?</p>
<p><i>What will each witness prove?</i></p>	<p>I was aware of this.</p> <p>However, I am never entirely sure of what a witness may or may not be able to prove until such time as after I have actually interviewed them.</p>
<p><i>Wherever possible, each question should begin with:</i></p>	<p>I was aware of this.</p> <p>Q: 09 Can you explain the difference between an investigation and an examination-in-chief of a witness in court?</p> <p>Q: 10 Can you confirm whether the omission of the word 'why' from this is because it is an inappropriate word with which to begin a question?</p>
<p><i>How</i></p>	
<p><i>When</i></p>	
<p><i>Where</i></p>	
<p><i>What or</i></p>	
<p><i>Who</i></p>	
<p><i>NO question is to ask for speculation.</i></p>	<p>I assume the capitalisation here is deliberate and that this is presented as an absolute rule to be followed on all occasions.</p> <p>Q: 11 Can you confirm whether or not an investigator has discretion, in an interview, to test the consistency of an interviewee's answers to questions?</p>

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	<p>Q: 12 Can you please explain how, if a witness provides an answer which he states as fact, the interviewer is able to test the veracity of that statement if such discussions cannot include an indirect approach to the same issue?</p>
<p><i>Always consider whether the information you seek in the interview is going to prove an element of one of the rules you believe was contravened or you are asking the question just to satisfy your curiosity?</i></p>	<p>Q: 13 Can you provide any examples of my ever having asked a question without having had a good reason to do so?</p> <p>Q: 14 Can you please explain the difference between conducting an investigation and taking a deposition?</p>
<p><i>Subject interviews are aimed to provide the subject with opportunity to comment on the evidence collected. Again, your questions should be focused on the issues you are investigating and they should not be asked just to satisfy your curiosity.</i></p>	<p>Q: 15 Can you confirm whether or not OIOS considers that an equally important purpose for subject interviews is to gather information as to their actions?</p> <p>I am unaware of any instance when I have asked a question “just to satisfy my own curiosity”, nor do I understand why I (or anyone else) should wish to do so.</p> <p>Q: 16 Can you provide any examples of where my FRO has drawn my attention to my having asked any question just to satisfy my own curiosity?</p> <p>I will <u>not</u>, however, apologise for remaining alert to the possibility of other, potentially more serious misconduct or criminal activity being revealed in the course of an interview.</p>

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	<p>Q: 17 Can you confirm that it is OIOS policy to prevent investigators being alert to other or ancillary misconduct (previously unknown to the Intake Committee) or to criminal offences resulting in financial losses to the organisation, that may have been committed by UN Staff Members who are already subjects of one investigation?</p>
<p><i>Each Investigator’s Work Plan and your interview plans in Q&A format is to be reviewed by your FRO prior to commencing your case activities.</i></p>	<p>Q: 18 Can you cite any occasion when my FRO expressed interest in seeing either a workplan or pre-prepared questions prior to an interview?</p>
<p>Target 2. Judgement</p>	<p><u>This topic is entirely subjective. It is immeasurable and I do not believe it is appropriate to include in a Performance Improvement Plan.</u></p>
<p><i>Modify your language to meet the situation.</i></p>	<p>I know of no instance when I have ever failed to appropriately modify my language.</p> <p>I know of no such failure ever having been brought to my attention.</p> <p>Q: 19 Can you provide any examples of my failure to modify my language to the situation?</p>
<p><i>Be aware of culturally insensitive comments, those comments which are sexist, or those which are inappropriate in a multi-cultural, multi-political environment.</i></p>	<p>I am unaware of any justification for the inclusion of this sentence. It is innuendo.</p> <p>Q: 20 Can you provide any credible examples of my having made any offensive comments which were sexist?</p>

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	<p>Q: 21 Can you provide any credible examples of my having made any offensive comments which were racist?</p> <p>Q: 22 Can you explain the significance of "multi-political"?</p> <p>Q: 23 Can you confirm whether if it is OIOS policy to disallow any expression of political opinion or expression of disagreement on a political matter?</p>
<p><i>Don't ask questions which ask for a witness to speculate</i></p>	<p>See questions 10 and 11 above.</p>
<p><i>Don't ask what the witness's opinion might be, only focus on facts. .</i></p>	<p>Q: 24 Can you provide any examples of any occasion when I have unjustifiably asked a witness to express an opinion?</p> <p>Q: 25 Can you confirm whether or not an investigator has discretion, in an interview, to ask questions designed to assess any latent degree of prejudice or bias that an interviewee may have and which may impact on his answers?</p>
<p><i>Do not interject your opinion into a document, especially NTF, reports or any other document which may have to be handed over to the AoJ Tribunal, ALS or OSLA.</i></p>	<p>Q: 26 Can you provide examples of anything which is unsubstantiated "opinion" and which is not relevant to the case, which I have "interjected" into a document?</p> <p>Q: 27 Can you confirm whether it is OIOS policy to deliberately withhold information, from either the UNDT or any other Third Party, when that information may be material to those parties</p>

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	<p>either:</p> <ul style="list-style-type: none"> a) making an executive decision on the basis of an Investigation Report, or b) understanding the basis on which the investigation was conducted?
<p><i>Attend diversity training.</i></p>	<p>Q: 28 Can you identify the specific training course you refer to? Q: 28a Can you confirm that a vacancy for this course will be available for me prior to the end of the PIP term, or what alternative proposals will apply if it is not?</p>
<p>Target 3. Writing</p>	<p><u>This topic is largely subjective. Everything apart from the secretarial or clerical aspects are immeasurable and I do not believe it is appropriate to include in a Performance Improvement Plan.</u></p>
<p><i>The aim is improve your drafting skills, so that you can produce documents with the least number of errors or re-writes. The documents you produce should be written in a crisp, clean and concise fashion.</i></p>	<p>I was aware of this.</p> <p>I also understand there is a need to present all the relevant information required by the decision maker.</p>
<p><i>Make sure your reports are verified by a peer before submitting them to your FRO.</i></p>	<p>I believe there were two occasions when I did not do this. Both were occasions when a report was largely completed just prior to my going on a period of absence.</p> <p>On both of these occasions, it was made clear that:</p> <ul style="list-style-type: none"> 1) this was a <u>draft</u>, meaning that it was <i>not yet finalised</i>, 2) the document was given to my FRO for the purpose of alerting

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	<p>him as to the content of the report, not to exhibit is as the final product, and</p> <p>3) that in view of the exigency of my imminent departure, that the report had specifically not been previously subjected to a peer review.</p> <p>I have never had any objection to having my reports verified by someone else prior to being finalised; this is a practice I have consistently followed for the past 20 years.</p>
<p><i>Ask a peer to review your report prior to submission to your FRO.</i></p>	<p>I repeat: under exception of the two occasions referred to above, I have always done this.</p> <p>For the record, however, if – as experience suggests – my FRO will not even look at anything that is half-finished, <u>I do not understand how this can be reconciled with his responsibility to actually provide meaningful supervision.</u></p>
<p><i>Your reports should not contain:</i></p>	<p>These are <u>clerical</u> or <u>secretarial</u> functions, which although an ancillary part of any office work, remain skills for which I was never principally employed, and in which I never claimed any great proficiency.</p> <p>Q: 29 Can you confirm if it is UN or OIOS policy to require a P4 level professional staff member be subject to a PIP for shortcomings in typing or clerical skills for which they were never recruited?</p> <p>Q: 30 Can you confirm if it is UN or OIOS policy to require</p>
<p><i>Spelling errors, always use spell check.</i></p>	
<p><i>Errors of grammar or punctuation.</i></p>	
<p><i>Run-on sentences</i></p>	

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	<p>professional level staff members to be fully proficient in secretarial or clerical skills in which they were never trained and are not employed?</p>
<i>Opinions</i>	<p>Q: 31 Can you provide any examples of opinions, speculations, or conclusions of law made in any report written by me?</p>
<i>Speculation/Assumptions</i>	
<i>Conclusions of law</i>	
<i>Your reports should contain:</i>	<p>I was aware of this.</p> <p>Q: 33 Can you confirm whether or not OIOS recognises discretion on the part of the author in determining what constitutes a new topic for the purposes of commencement of a new paragraph? (<i>If not, in whom is this authority vested?</i>)</p>
<i>Topic sentences for each new paragraph and at each new topic a new paragraph.</i>	
<i>All footnotes must be reflected accurately and must provide the evidence to support your assertions of fact.</i>	<p>I was aware of this.</p>
<i>Just the FACTS.</i>	<p>Q: 34 Can you provide an acceptable OIOS definition of a “fact”?</p> <p>Q: 35 Does OIOS make any differentiation between what a witness says and what can be proven to have happened?</p>

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	Q: 36 Can you advise whether or not an investigator is permitted to introduce information to confirm or contradict any statement provided by a witness?
<i>When drafting, you should always ask yourself why you are telling the reader something.</i>	I was aware of this.
<i>You must take a Writing class.</i>	Q: 37 Can you identify the specific writing course you refer to? Q: 37a Can you confirm that a vacancy for this course will be available for me prior to the end of the PIP term, or what alternative proposals will apply if it is not?
<i>You must spend at least two working days with the staff of PPS working on a case review, so that you better understand what is required for a report to be cleared for issuance.</i>	This was raised at the August meeting, and I have spoken with Suzette Schulz about it on more than one occasion, she had no objection but it would – not unreasonably - require some scheduling on her part. She has not yet come back to me with an appointment date. I was not aware that it was my place to demand that she arrange her sections time or workload to accommodate me.
<i>You should read issued investigations reports to see what is required to meet the requirements of an investigation report for a legally sufficient report. Ask Suzette Schultz for good examples of reports that are well written and legally sufficient.</i>	I was requested to obtain copies of such reports at the meeting in August and did so. On one occasion that I recall, Roberta Baldini was shown the assembled folder of such reports that I had prepared. Q: 38 Did anyone enquire of Suzette Schultz whether or not she had provided these documents?