

TO: Ms. Carman Lapointe, Under-Secretary-General  
A: Office of Internal Oversight Services

DATE: 23 September 2013

FROM: Gurpur Kumar, Rebuttal Panel Chairperson  
DE: Dino Cataldo Dell'Accio, Member  
Emily Hampton-Manley, Member

REFERENCE:

Later found to have been involved in making complaint against former IED s/m Sirohi

SUBJECT: **Report of the e-PAS Rebuttal Panel on the e-PAS of Mr. Peter Gallo for 2012-13**  
OBJET:

This now raises the question of whether her performance on this panel was the pay-off for Dudley's assistance in initiating an investigation in Sirohi, as a result of which, Hampton-Manley was able to be promoted to a vacancy created by Sirohi's dismissal.

## I. INTRODUCTION

1. In accordance with the provisions of Section 15 of ST/AI/2010/5 of 30 April 2010, Mr. Peter Gallo (hereafter referred to as "staff member"), an OIOS Investigator at the United Nations Investigations Division (ID) at Headquarters in New York, rebutted his e-PAS appraisal for 2012-13.

2. The Under-Secretary-General of OIOS constituted a Rebuttal Panel pursuant to Section 14 of ST/AI/2010/5, comprising the following:

- (a) Mr. Gurpur Kumar, Chairperson
- (b) Mr. Dino Cataldo Dell'Accio, Member
- (c) Ms. Emily Hampton-Manley, Member

3. The staff member is rebutting his 2012-13 e-PAS for which he received a rating of "partially meets performance expectations". The staff member's First Reporting Officer (FRO) during the period was Mr. Vladimir Dzuro, Team Leader, OIOS-ID, New York. The Second Reporting Officer (SRO) was Ms. Roberta Baldini, Chief of the Headquarters Section, OIOS-ID, New York. The FRO and SRO have provided written responses and supporting documentation to the rebuttal, stating that their original ratings should be maintained. Similarly, the staff member also provided documentation in response to the e-PAS rating received and in support of his rebuttal.

## II. METHODOLOGY

4. In considering the staff member's e-PAS rebuttal, the Panel reviewed relevant documentation such as memoranda and supporting documents provided by the staff member, the FRO and the SRO, as well as applicable guidance such as ST/AI/2010/5 and "Guidelines for e-PAS/e-Performance Rebuttal Panels" promulgated by the Office of Human Resources Management (OHRM). The Panel also interviewed the staff member, the FRO and the SRO to seek additional information as needed, to obtain a proper understanding of the issues involved. Additional documentation was provided by the staff member, the FRO and the SRO during and after the interviews.

5. The Panel met several times in August to review the available material, discuss the relevant issues, and conduct interviews. Upon conclusion of the interviews on 27 August 2013,

### NOTE:

The Panel members acknowledge that the purpose of the Rebuttal Panel was to address the ePAS.

One could be forgiven for assuming that actually considering the merits of the rebuttal arguments might be important here.

Apparently not.

the Panel met again to summarize its findings and deliberate on its conclusion. The timeliness of the Panel’s work was affected to some extent by the previously arranged official duty travel of one member. The Panel notified the Executive Office of this situation and hence was unable to complete its review within the 14-day period stipulated in Section 15.4 of ST/AI/2010/5.

**III. FINDINGS**

6. The following table indicates the key events during the e-PAS cycle:

No.	Date	Key Event
1	23 August 2012	SRO and FRO meet with the staff member to discuss specific performance concerns
2	27 November 2012	FRO performs mid-point review and discusses specific performance concerns with the staff member
3	20 February 2013	FRO and SRO meet with the staff member to discuss the development of a written performance improvement plan (PIP). In a subsequent email of 4 March 2013, staff member acknowledges that during this meeting, he agreed with the SRO’s view that the staff member’s future (i.e., contract renewal) be conditional upon a PIP (see no. 6 below). <span style="color: red;">See PAG’s Note to File</span>
4	22 February 2013	The Director of ID sends a memorandum to the Executive Office of OIOS requesting renewal of the staff member’s fixed term appointment for 2 years beyond the current expiration date of 16 March 2013, noting that the staff member <i>“has performed his duties to a partially satisfactory standard. Accordingly, a work plan has been implemented. He has been improving his performance. A two-year extension of his appointment is recommended.”</i>
5	28 February 2013	SRO emails a draft PIP to the staff member requesting him to <i>“...read it and present comments. I would like us to discuss it and to have us all sign it so that it will go into effect tomorrow 1 March. ...”</i>
6	4 March 2013, 10.49 am	Staff member sends an email to the SRO noting that at the 20 February meeting he <i>“agreed to your request that my future be conditional upon a PIP... [but] the draft PIP ... goes much further than you mentioned at that meeting and which, in that form, I am sorry but I cannot agree to sign.”</i>
7	4 March 2013, 11.33 am	SRO replies that before any discussion can be had on the PIP, the staff member’s <i>“...comments and suggestions should be inputted on the PIP so we have a place to start the discussion.”</i> SRO also notes the other occasions where items in the PIP were previously discussed as performance issues.
8	4 March 2013, 12.14 pm	The Executive Office of OIOS notifies the staff member via email that the letter extending his appointment is ready for his signature

This was the meeting at which Dzuro (FRO) did not actually speak

What “work plan”? The PIP was not produced until a week later

This can reasonably be interpreted as an invitation to raise questions!!!

**If the s/m “has been improving his performance”:**  
**(1) why is PIP necessary?**  
**(2) Why was the PIP needed URGENTLY, just 2 weeks before expiry of contract?**  
**(3) Why does Dzuro fail to make any mention of this improvement of performance in subsequent ePAS?**  
**(4) If performance was so bad that it required a PIP: why recommend renewal of contract for full 2 year term?**

After the intervention of the Director, OIOS/ ID, who had to issue a direct instruction to Executive Office, overriding other instructions to Executive Office...

No.	Date	Key Event
9	11 March 2013	Staff member signs the letter extending his appointment for 2 years (i.e., 17 March 2013 to 16 March 2015)
10	11 March 2013	Staff member emails SRO and FRO attaching a document that contains his 38 questions on the PIP. Staff member notes that he has made written comments on the PIP and does not wish to enter into any further discussions about it. He further states: "If you do not wish to amend or edit the PIP as currently drafted, please both sign it first and I shall add my signature at the end."
11	14 March 2013	In response to an email from the FRO on the PIP, the staff member replies stating: "... Please let me have your answers to the 38 questions ... If you do not wish to do that, kindly advise whether you wish to proceed with the PIP as drafted on 28 February."
	19 March 2013	SRO emails the PIP to several persons, including the FRO, the Director and Deputy Director of ID, the Executive Officer of OIOS, and the USG of OIOS, for their comments
13	19 March 2013	The USG of OIOS sends comments to the SRO on the PIP
14	20 March 2013	The Executive Office of OIOS sends the PIP to the Office of Human Resources (OHRM) for comments
15	20 March 2013	OHRM sends comments on the PIP and agrees that the Ombudsman's Office should be contacted if the staff member continues to be uncooperative
16	20 March 2013	FRO emails the Office of the Ombudsman and Mediation Services exploring the possibility of formal mediation with the staff member on the PIP issue
17	22 March 2013	Staff member sends an email to the FRO disputing the PIP but states: "On 20 February, I agreed in principal (sic) to this 'Performance Improvement Plan' and having done so, fully intend to sign such an agreement just as soon as an acceptable and achievable (sic) can be prepared. ... If, however, you do not wish to proceed with this version, please go ahead and sign it first. If you do so, I will also sign it and return it to you for the commencement date of 1 April."
18	23 March 2013	FRO meets with the Director in the Office of the Ombudsman and Mediation Services to explore means to engage the staff member through a mediation process
19	10 May 2013	The staff member and the FRO meet with the Director in the Office of the Ombudsman and Mediation Services for mediation on the PIP issue. The meeting ends without any resolution. The PIP is never signed. I was mislead as to the purpose of the
20	16 May 2013	Upon the FRO's written request, the staff member provides his self-assessment. Thereafter, the FRO and SRO complete their end-of-cycle evaluations. Mediation

**AFTER receiving a formal misconduct complaint (11 March), and after following up on counter-complaint falsely implicating Florin Postica (14 March)**

Hooray!  
Two typos!

QUESTION  
If Dzuro & Baldini had confidence in the PIP, why did they not sign their names to it?

Supporting the PIP, while overlooking the 38 questions that had been asked

OHRM do not appear to suggest that FRO should just answer the questions

This shows that Dzuro & Baldini refused to sign their names to the PIP

Dzuro REFUSED to discuss the PIP at the meeting.

21	25 June 2013	The staff member is reassigned to another unit in ID with a different supervisor.
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Issues relating to procedures prescribed in ST/AI/2010/5

7. After careful consideration of the provisions of ST/AI/2010/5 (hereafter referred to as “the ST/AI”), the e-PAS appraisal in question, and the documentation/additional information provided by the staff member, the FRO and the SRO, the Panel finds as follows.

8. Section 10 of the ST/AI pertains to identifying and addressing performance shortcomings and unsatisfactory performance. Section 10.1 requires that, “During the performance cycle, the first reporting officer should continually evaluate performance. When a performance shortcoming is identified during the performance cycle, the first reporting officer, in consultation with the second reporting officer, should proactively assist the staff member to remedy the shortcoming(s). Remedial measures may include counselling, transfer to more suitable functions, additional training and/or the institution of a time-bound performance improvement plan, which should include clear targets for improvement, provision for coaching and supervision by the first reporting officer in conjunction with performance discussions, which should be held on a regular basis.” The Panel found that the FRO and SRO provided ongoing feedback throughout the cycle, as evidenced by email correspondence documenting the performance discussions and feedback. There were at least three discussions on performance shortcomings during the cycle: first on 23 August 2012 between the FRO, SRO and staff member, second on 27 November 2012 between the FRO and the staff member, and third on 20 February 2013 between the FRO, SRO and the staff member. The summary of these discussions were communicated by email. The staff member acknowledged that there were performance issues and agreed that his future be conditional upon a PIP.

Does the panel understand the difference between “identifying a shortcoming” and “dispensing fatuous and unnecessary advice”?

Is there no qualitative element to the role of the supervisor in the UN?

e.g. asking questions about what the specific “performance shortcomings” actually WERE?

9. Section 10.2 of the ST/AI requires that, “If the performance shortcoming was not rectified following the remedial actions indicated in section 10.1 above, and, where at the end of the performance cycle performance is appraised overall as “partially meets performance expectations”, a written performance improvement plan shall be prepared by the first reporting officer. This shall be done in consultation with the staff member and the second reporting officer. The performance improvement plan may cover up to a six-month period”. The Panel found that a written performance improvement plan (PIP) was drafted by the FRO and was intended to cover a six-month period originally beginning 1 March 2013, later changed to begin on 1 April 2013 (given the discussion and input received on the draft PIP from various parties, including the USG for OIOS and OHRM). However, this PIP was not agreed upon and signed by the parties (i.e., the FRO, SRO and the staff member) by the end of the e-PAS cycle in question (see key events in the table above).

Did the panel consider the reason why the FRO & SRO were so unwilling to cite any examples of alleged ‘performance shortcomings’?

10. In the meantime, even before an initial draft of a written PIP was prepared, the Director of ID issued a memorandum on 22 February 2013 to the Executive Officer of OIOS in which he recommended a two-year extension of the staff member’s fixed-term contract, despite the performance shortcomings identified during the e-PAS cycle in question, as well as the rating

A rating of "requires development" for leadership, despite having NO staff report to him.

of "partially meets performance expectations" during the preceding cycle. Section 10.3 of the ST/AI requires that, "If the performance shortcoming was not rectified following the remedial actions indicated in section 10.1, a number of administrative actions may ensue, including ... the non-renewal of an appointment or the termination of an appointment for unsatisfactory service in accordance with staff regulation 9.3." In the present case, however, it appeared that the issue of renewal of the staff member's fixed term appointment was completely delinked from his performance during the previous period of two years. The memorandum of 22 February 2013 from the Director of ID went to the extent of saying that a "work plan has been implemented" and the staff member "has been improving his performance" even though there appeared to be no evidence to support it. The Panel's interpretation is that this wording in the memorandum ("work plan has been implemented"), is that a PIP had been implemented which was not the case. *i.e. the memo contained misleading information. So who was responsible for this misrepresentation?*

What does this para actually MEAN?

11. The Panel is of the opinion that the unresolved dispute over the contents of the PIP was rendered irrelevant in the overall context of the staff member's performance appraisal for the cycle in question, principally because the PIP process was initiated at the tail-end of the cycle, with a two-year extension of the staff member's fixed term appointment being granted at the same time on the premise that the staff member's performance had been improving. The issue of establishing a PIP for the six-month period 1 April to 30 September 2013 (i.e., the following cycle), as envisaged by the FRO and SRO, became moot with the reassignment of the staff member to a different unit/supervisor in June 2013.

**IV. CONCLUSION**

*Except for the parts about shortcomings being IDENTIFIED in such a way that I might actually know what they were....*

12. The Panel concludes that the procedure prescribed in the section 10.1 of the ST/AI regarding identifying and addressing performance shortcomings were generally complied with. The staff member was informed in writing by the FRO and SRO about the shortcomings in performance during the course of the year, as well as the actions required to address them. The staff member acknowledged that his performance should improve and agreed that his future be conditional upon a PIP. Attempts were made to establish a written PIP, but these efforts could not be concluded owing to dispute as to the contents of the PIP. The Panel notes that the staff member was awarded a two-year renewal of his fixed-term appointment despite the rating of "partially meets performance expectations" for the preceding two years including the year in question. Furthermore, the staff member was reassigned to another area of ID with a different FRO and SRO for the 2013-14 cycle. The two-year extension combined with a change in reporting officers should result in affording the staff member the opportunity to perform satisfactorily during the 2013-14 cycle and beyond. Accordingly, the Panel concludes that there are no grounds for it to revise the staff member's performance rating for the 2012-2013 e-PAS cycle, which was assessed by the FRO and SRO as "partially meets performance expectations".

*And the part about CONSULTATION with the Staff Member involving an element of explaining why it was necessary....*

*No; he was given fatuous advice by an SRO who had very limited investigation experience, no professional investigative qualifications and a string of botched OIOS investigations to her credit.....*

*And I continue to do so.*

*Any investigator who does NOT recognise the need for constant improvement is either dangerously delusional, an idiot or a narcissist.*

*Or possibly all three.*

**The fundamental problem with this is that the Panel's role was to consider the Rebuttal of the Annual Appraisal, and to do so on it's merits - which they manifestly FAILED TO DO.**

**The Panel instead entered into a defence of the (attempted) PIP, despite stating, in para 11 above, that "the PIP was rendered irrelevant in the overall context of the staff members performance appraisal"**