

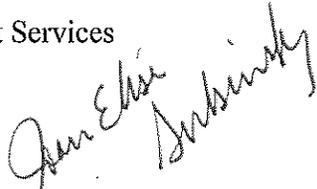
Ethics Office / Bureau de la déontologie

CONFIDENTIAL

TO: Mr. Peter Gallo
A: Investigator
Investigations Division
Office of Internal Oversight Services

DATE: 23 July 2013 (Tuesday)

FROM: Joan Elise Dubinsky
DE: Director, UN Ethics Office



SUBJECT: Re: Your protection against retaliation request
OBJET:

Not too bad; a turnaround of only 3 working days.

Compare that to how long it took them to reconsider it after I wrote to them on 9 January 2015.

(Thursday)

1. On 18 July 2013 you submitted to the UN Ethics Office a protection against retaliation request pursuant to Secretary-General's Bulletin ST/SGB/2005/21, *Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations*. In your request you allege retaliation on the part of your first reporting officer, Mr. Vladimir Dzuro, Investigator, OIOS/ID, and your second officer, Ms. Roberta Baldini, Chief of Section, OIOS/ID, in response to your 10 March 2013 harassment and abuse of authority complaint to Mr. Michael Stefanovic, Director, OIOS/ID.
2. You specifically allege retaliation in the form of (a) harassment and consistent refusal to address issues raised in your 28 February 2013 Performance Improvement Plan (PIP); and (b) a negative performance evaluation for your 1 April 2012 to 31 March 2013 e-PAS cycle.....all 23 pages of it
3. As stated in your provided documentation, and pursuant to Section 10.2 of ST/AI/2010/5, on 28 February 2013 your were provided a draft PIP by your second reporting officer for the purpose of addressing and remedying identified work performance shortcoming on your part.
4. Asserting that your reporting officers subsequently refused to respond to your questions concerning the draft PIP¹, on 10 March 2013 you filed a harassment and abuse of authority complaint with Mr. Stefanovic against the following OIOS/ID staff members: Mr. Dzuro, Ms. Baldini, Mr. Michael Dudley, and Ms. Sophia Richter. You write the following in your complaint concerning your PIP:

OK up as far as here

This is the UN.

Always waste a few paragraphs repeating what the recipient already knows...

Not quite. The Ethics Office fail to comprehend the whole basis of the complaint turns on the word "identified." - I was certainly given some

gratuituous "advice" - but nobody ever showed me anything I was alleged to have done badly.

I am being denied the information I require to identify precisely what I may have done that is wrong and without that information, I fail to see how a meaningful PIP can be

¹ On 04 March 2013 you sent an email to Ms. Baldini requesting a list of "everything [you] might have done, and that [you] would have to avoid repeating." Does that not give you a clue that I might not KNOW, and hence needed to be told? And if I needed to be told, does that not rather suggest something wrong with these alleged "performance shortcomings" being IDENTIFIED?.

This is "motive" - which does not form part of the complaint as such, but never mind. I was on a Regular Budget post at a time when there was considerable concern that staff on QSA posts would be relocated to the Field against their will. There was precedent for such reallocation of posts; in September 2012, Dzuro was transferred from post 75525 (QSA) to post 67020 (Regular Budget) when another investigator left.

This is called coercion

formulated. Moreover, I believe the subjects of this complaint are abusing their authority by seeking to prevent me signing the Letter of Appointment for the extension of my contract [...] I suspect I am the intended victim of a conspiracy designed to force me to resign, in order that another staff member be afforded the relative 'security' that my position carries. All this takes place in a working environment with a very negative culture, and I believe constitutes harassment and abuse of authority.

- 5. You conclude your 10 March 2013 complaint by requesting (a) the extension of your contract, (b) your reassignment to an 'alternate role'; and (c) a third party review of your PIP.

Apart from an e-mail from a specific person at a specific time on a specific date... and 2,000 words of information

Very interesting but this complaint related to misconduct in violation of ST/SGB/2008/5 and the test for taking actioning the complaint is different.

- 6. Pursuant to Section 2.1(a) of ST/SGB/2005/21, reports of misconduct must contain information or evidence to support a reasonable belief that misconduct has occurred. Having reviewed your 10 March 2013 complaint to Mr. Stefanovic, the Ethics Office considers that this correspondence does not contain evidence supporting a reasonable belief that harassment or abuse of authority has occurred. Your raised matter instead constitutes a work performance dispute. Moreover, the complaint contains no evidence supporting your allegation that the 28 February 2013 PIP was ill motivated for the purpose of denying you further employment with the Organization.

There is no legal obligation for a complainant to PROVE motive!

WHERE? The reason the complaint was made was because nobody was able to IDENTIFY (i.e. "to point out") what these alleged "performance shortcomings" were!

- 7. The Ethics Office further notes that identified performance shortcomings on your part predate your 10 March 2013 complaint. Subsequent to your joining OIOS/ID on 21 March 2011, you received an overall performance rating of "Partially meets performance expectations" for your 2011-2012 performance appraisal. According to the documentation provided to the Ethics Office, your reporting officers held performance improvement discussions with you in August 2012. Your first reporting officer further highlighted in his November 2012 mid-point comments to your 2012-2013 evaluation work performance areas requiring improvement.

The only comment was about drafting - and the Rebuttal of my Appraisal fails to identify any poor drafting.....

(but he never pointed out anything I had done badly)

DENIED! There was NO discussion about a PIP before 20 Feb 2013, and what was produced a week later was NOT what was discussed on that day!

- 8. According to your provided documentation, your reporting officers met with you on 20 February 2013 to discuss the implementation of a PIP, which your first reporting officer states was first suggested to you on 23 August 2012, and again during your 2012-2013 midterm review. Upon the conclusion of the 2012-2013 performance appraisal cycle, you again received an overall performance rating of "Partially meets performance expectations", establishing a continuum of documented work performance concerns predating your 10 March 2013 complaint.

Show me a single example, prior to the Annual Appraisal, of any specific piece of work not being acceptable

Can someone explain how my evaluation could be attributable to prior, documented performance shortcomings if the whole basis of my complaint is the refusal to identify what those shortcomings actually ARE.

- 9. The Ethics Office accordingly considers that your matter does not raise a prima facie case of retaliation on the basis that (a) your 10 March 2013 complaint does not constitute a report of misconduct pursuant to the requirements of ST/SGB/2005/21; and (b) your 2012-2013 performance evaluation is attributable to prior, documented performance shortcomings.

- 10. The Ethics Office further notes the breakdown in working relations between yourself and Mr. Dzuro. Mr. Dzuro states in his comments to your 2012-2013 e-PAS that on 11 March 2013, upon your presenting 38 questions to be answered regarding your PIP, you indicated to him by email that you did not wish to enter into any further

Clearly it does not occur to the Ethics Office that it might be appropriate for Dzuro to actually ANSWER those questions, so that I might know what exactly I am supposed to have done that is alleged to be a "performance shortcoming"..... because the whole basis for the misconduct complaint and the breakdown in working relations is that (very clearly) I DON'T KNOW WHAT THEY ARE, and there is clearly something odd going on if Dzuro, who is supposed to be a supervisor CANNOT TELL ME.....

discussion on the issue. In a subsequent 13 May 2013 email to Mr. Stefanovic, in which you request that Mr. Dzuro be temporarily removed as your first reporting officer, you write that “[Mr. Dzuro] did attempt to speak to me on 11 March but I essentially called him a liar and [Mr. Dzuro] went away.” As the Ethics Office understands there is a continuing lack of communication between yourself and Mr. Dzuro, the Ethics Office would strongly advise that you seek further mediation support from the Office of the Ombudsman and Mediation Services.

So, the Ethics Office recommends that I seek further “support” from the Ombudsmans Office, notwithstanding the fact that the reason for my email of 13 May 2013 was that Dzuro had requested mediation in bad faith, and was not prepared to discuss the reason for why there was a “breakdown in working relations”.....

He went away because he had no answer when I accused him of lying.

It's quite strange that Dzuro could find plenty of excuses to make petty complaints about me - including “not showing him enough respect”, “saying “good morning” in a rather aggressive tone” and “walking in the corridor in such a way that COULD have been an assault IF I had bumped into him” - but when I call him a liar, he has nothing to say.....