

Summary of CZ v. IBRD, Decision No. 521 [2015]

The Applicant challenged her 2012-13 Overall Performance Evaluation (OPE) and her 2013 Salary Review Increase (SRI). Additionally, she alleged that the Bank mismanaged her career.

The Applicant began working at the Bank in 1992. In 2009, she became an Operations Analyst. As part of her position as an Operations Analyst, she was assigned five tasks in her work program. In 2013, four of her five tasks were combined to represent one task, leaving her with two discrete tasks in her work program. The Applicant approached her managers with requests to find other tasks for her. Her managers tried but could not find other tasks to fill her work program. In September 2013, the Applicant received a draft of her supervisor's assessment of her performance for her OPE. She was given ratings of Superior and Fully Successful in her Core Bank Competencies. Her supervisor's Overall Comments in the OPE included feedback regarding her "good work ethic" and "focus on getting things done," as well as feedback regarding the "great deal of supervision" she seemed to require. The Applicant discussed her OPE with her supervisor in a mid-year check-in discussion and three additional meetings in July and September 2013. In addition to receiving her 2013 OPE, she received an SRI rating of 3.1 with a corresponding salary increase of 1.12%. She was given a Notice of Redundancy and placed on Administrative Leave in June 2014. In September 2014, she began working under the Institutional Staff Resources Program (ISRP).

The Applicant entered mediation with her supervisor, but the mediation ended without success. She then challenged her 2012-13 OPE and SRI rating before PRS. PRS recommended that her request for relief be denied. The responsible Vice President accepted this recommendation.

Before the Tribunal, the Applicant claimed that her 2012-13 OPE lacked an observable and reasonable basis and was unfair, unbalanced, and conducted with procedural irregularities. She also alleged that her 2013 SRI rating was improper and inconsistent with her OPE. Additionally, she contended that the Bank mismanaged her career.

The Bank filed a preliminary objection, arguing that the Applicant failed to exhaust internal remedies for her mismanagement of career claim because she did not allege mismanagement of career before PRS. The Bank also claimed that her mismanagement of career claim was not filed before the Tribunal in a timely manner because she did not raise the claim within 120 days of the

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events giving rise to the claim. The Bank requested that the Tribunal hold the Application partially inadmissible and adjudicate only the claims relating to the OPE and SRI rating.

The Tribunal concluded that the Applicant's 2012-13 OPE had a reasonable basis. Her OPE ratings ranged from Fully Successful to Superior and were not overly negative. The feedback in her OPE from her supervisor and other feedback providers was balanced because it took into account positive and negative aspects of her performance. Her supervisor's negative feedback was corroborated by the feedback of other feedback providers. The Tribunal also held that there were no procedural irregularities in the Applicant's OPE process. The Applicant and her supervisor met three times to discuss her OPE, and the Applicant had an opportunity to defend herself in these meetings.

The Tribunal also found that there was a reasonable basis for the Applicant's SRI rating of 3.1, and that the SRI rating was consistent with her OPE. A 3.1 rating is considered satisfactory, and her managers determined that due to her performance issues, a higher rating was not warranted. Additionally, SRI ratings are determined using a comparative assessment, rather than an individual one. The Applicant's management compared her performance to her peers and determined that her performance fell below that of her peers.

Regarding the Bank's preliminary objection, the Tribunal concluded that it was difficult to accept that the Applicant had alleged a claim for mismanagement of career before PRS with the specificity that it would take for PRS to recognize it as a distinct claim. The Tribunal also found that it was difficult to accept that the mismanagement of career claim was filed in a timely manner, as many of the Applicant's allegations regarding that claim referred to incidents that were filed outside of the relevant time period.

On the merits, the Tribunal held that the Bank did not mismanage the Applicant's career. There appeared not to be a mismatch between the Applicant's skills and position as an Operations Analyst. Also, her management made attempts to find other opportunities for her in the Bank and succeeded in helping place her in an ISRP position. In situations where the management did not succeed in finding other opportunities for her, this was due either to external factors or the Applicant's own performance.

The Tribunal dismissed the Applicant's claims.

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