

L.T. Mpoy-Kamulayi (No. 8) v. IBRD, Decision No. 480 [2013]

The Applicant challenged his 2010 Overall Performance Evaluation (“OPE”) and 2010 Salary Review Increase (“SRI”) rating and corresponding increase. In the 2010 OPE, out of five Work Program Results, the Applicant received two “Superior” ratings and three “Fully Successful” ratings. In the Behavioral Assessment section, he was rated “Superior” in Client Orientation and “Fully Successful” in the remaining categories. He received an SRI rating of 3.2 and a corresponding salary increase of 2.4%. The Applicant claimed that the Bank had no valid basis for rating him lower than “superior” in all categories of performance. He claimed that he should have received a salary increase of 5.9%.

The Tribunal stated: “There is no basis for considering a ‘Fully Successful’ rating as adverse or negative.” The Tribunal observed that: “Rendering judgment on the appropriateness of a Fully Successful versus a Superior rating comes close to a microscopic review. Ordinarily, to allow petitions to the Tribunal regarding disagreements as to the correctness of ‘Fully Successful’ versus ‘Superior’ ratings would involve unwarranted intrusion on managerial discretion.” The Tribunal found that the record in any event provided a reasonable basis for the Applicant’s ratings.

Relying on Staff Rule 5.03, paragraph 2.01(d), the Applicant claimed that he should have received two OPEs: one covering his work in LEGAF and other covering LEGEM. In the Tribunal’s view, “based on the language of the Rule, a supplemental OPE covering the Applicant’s work only in LEGAF could have been requested by the Applicant or his OPE Manager. This was an option; the Staff Rule does not mandate it.” The Tribunal found that given the optional nature of the Rule and the absence of any request by the Applicant for such a supplemental evaluation, there was no violation of Staff Rule 5.03, paragraph 2.01(d).

Regarding the SRI, the Tribunal noted that “SRI ratings of 3 and above denote good performance or a satisfactory level of performance.” The Tribunal observed that under the Bank’s guidelines, an SRI rating is reasonable if it is “broadly consistent” with the OPE and management took “into account the individual’s performance compared to that of peers at the same level of responsibility and at the same grade.” The Tribunal found that the record showed that management determined the Applicant’s SRI based on these considerations.

Decision: The Application was dismissed.