Summary of HV v. IBRD, Decision No. 714 [2025]

The Applicant, a Senior Information and Technology (IT) Assistant, contested her Fiscal Year 2023 (FY23) performance evaluation, performance rating, and placement on an Opportunity to Improve Performance plan (OTI). She further claimed that management retaliated against and harassed her for making use of the Bank's internal justice services.

Between FY18 and FY22, the Applicant performed her technical duties well and received a performance rating of 5 in FY22; however, a number of concerns were also noted by her then supervisor about the Applicant's behavior. In FY23, the Applicant was assigned to another IT team. After a few months, the Applicant's new supervisor (Supervisor) held a meeting with the Applicant to discuss communication issues. Sometime later, the Applicant submitted a leave request and notified the Supervisor of such. In response, the Supervisor informed her that he would approve the request and attached the team's leave procedure. In the exchange that followed, the Applicant inquired whether she was not entitled to take leave, and in response, according to the Applicant, the Supervisor stated, "That is the problem with the way you think." The Applicant notified the Supervisor that she would report his comment to the investigations unit within the Ethics and Internal Justice VPU, and she did. The Supervisor and Manager continued to raise concerns about the Applicant's behavior toward colleagues. The Supervisor and Manager received direct feedback about negative interactions between the Applicant and her colleagues. The Applicant received unanimously positive feedback in the performance portal for FY23. The Applicant's performance evaluation skewed negatively. The Applicant received a performance rating of 2 and was placed on an OTI. The Applicant contested the evaluation, rating, and placement on an OTI. Management accepted the Administrative Review (AR) Reviewer's recommendation to revise the evaluation and change her rating to a 3. Although the AR Reviewer recommended keeping the Applicant on an OTI, management chose to rescind the OTI. Management also accepted the PMR Reviewer's recommendation to further revise the evaluation to make it more balanced between the positive and negative feedback received.

The Tribunal observed several email exchanges and communications from colleagues to the Supervisor or Manager highlighting interpersonal friction between the Applicant and her colleagues during FY23, took note of the Applicant's historical performance evaluations, showing that behavioral issues were noted in previous teams and under different supervisors, and observed that concerns about the Applicant's communication style were first raised by the Supervisor before the Applicant reported him. The Tribunal found that the Applicant's twice-revised evaluation had a reasonable and observable basis and was not an abuse of discretion. The Tribunal considered that, while the Bank erred in initially rating the Applicant's performance as a 2, the Applicant had been made whole by the entry of a revised rating of 3 and the corresponding salary adjustment. While acknowledging that placement on an OTI may have been stressful to the Applicant, considering the documented performance issues and the Bank's good faith decision to rescind the OTI, the Tribunal found the rescission of the OTI to be an effective remedy. The Tribunal found insufficient evidence to support the Applicant's claim of harassment and was not convinced that the Manager's and Supervisor's treatment of the Applicant was retaliatory.

Decision: The Application was dismissed.