

## Summary of FH v. IBRD, Decision No. 624 [2020]

The Applicant challenged his Fiscal Year (FY) 2018 performance rating of 2.

The Tribunal examined the comments made by the Applicant's Supervisor and other feedback providers in his FY 2018 performance evaluation. The Tribunal found the Supervisor's Comments on the Applicant's FY 2018 performance evaluation were consistent with the comments made by the feedback providers. The Tribunal also concluded that the comments were reasonable, as they acknowledged both the Applicant's strengths and the need for certain areas of improvement in terms of communication and teamwork.

The Tribunal noted that the Applicant's main claim was related to his performance rating of 2. In this regard, the Tribunal found that while the Applicant had some performance issues, the record as a whole, considering all the comments made by the Supervisor and the feedback providers, did not support that the Applicant's performance was below expectations. The Tribunal held that it was not convinced that the performance rating of 2 had a reasonable and observable basis.

The Tribunal further stated that it found the Bank's explanation for the Applicant's performance rating of 2, namely, that the Applicant had not completed his Opportunity to Improve plan before going on Short-Term Disability (STD) leave, to be troublesome. The Tribunal also noted that the Bank's basis for providing the Applicant a performance rating of 2 was not reasonable because his performance evaluation and performance rating were based on his performance for seven months before he went on STD leave.

The Tribunal then examined whether the Applicant's performance rating followed due process. In this regard, the Tribunal noted that the Applicant's performance rating had been set before he was given the opportunity to have his performance discussion. The Tribunal found that a proper process was not followed because the Applicant's performance rating was decided by his management before the Applicant had an opportunity to comment on the performance evaluation. The Tribunal also found that the lack of a timely discussion constituted a violation of the Applicant's due process.

In addition, the Tribunal found that the fact that the Location Lead, not the Supervisor, conducted the Mid-Year Conversation with the Applicant also constituted a procedural irregularity.

**Decision:** The Bank was ordered to rescind the Applicant's FY 2018 performance rating of 2 and remove any references to it from his personnel file. The Bank was ordered to assign the Applicant a new performance rating for FY 2018 which cannot be 2 or below, and provide the Applicant with the associated salary increase. The Bank was ordered to pay the Applicant compensation in the amount of one year's salary net of taxes. The Bank was ordered to pay the Applicant's legal fees and costs in the amount of \$15,000.00. All other claims were dismissed.

This summary is provided to assist in understanding the Tribunal's decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at: [www.worldbank.org/tribunal](http://www.worldbank.org/tribunal)