



UNITED NATIONS APPEALS T



7.

THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2021-UNAT-

19. In this case, the denial of the EVS was predicated on the fact that the post was considered essential and that to grant EVS was conditional on the abolishment of the post. The Commissioner-General submits that to condition the granting of EVS on the abolition of the requesting staff member's post is not only reasonable but also lawful. With a view to the limited resources of the Agency, granting an EVS to a staff member on SLWOP would go against the Agency's financial interests as it would not entail any savings for the Agency in contrast to granting an EVS to a staff member receiving a salary (United Nations Doc. TD/RS/2000/10, para. 10).0154(f)-56(IH)i.6

24.

Are a Staff Rule 109.15

EXCEPTIONAL VOLUNTARY SEPARATION

1. The Commissioner-General may authorize a staff member's Exceptional Voluntary Separation (EVS), where the Commissioner-General deems it is in the financial interests of the Agency to do so.
2. EVS is not an entitlement but may be approved in exceptional circumstances. The Commissioner-General will authorize periods during which staff members may apply for EVS. The Commissioner-General will also establish the criteria, priorities, and timing to be applied in reviewing and making determinations on applications for EVS and these will be communicated to staff in writing by the Director of Human Resources.
3. The Director of Human Resources has the authority to approve or reject applications for EVS. Decisions on applications for EVS shall be made in coordination with Headquarters and/or Field Office Directors, as applicable. The authority to further define the conditions and procedures concerning EVS is also delegated to the Director of Human Resources.

Are a Staff Circular No. A/6/2018

Subject: Exceptional Voluntary Separation – All fields and HQs

Criteria

8. Eligible EVS applications will be considered in the following order of priority:
 - a.

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31. In the present case, the UNRWA DT held that the Agency failed to observe its own regulatory framework and therefore, the Agency, in exercising its discretion, failed to act lawfully, reasonably, and fairly. We find the UNRWA DT did not err in reaching this conclusion.

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Judgment

39. We affirm Judgment No. UNRWA/DT/2020/037 and dismiss the appeal.

Original and Authoritative Version: English

Dated this 25th day of June 2021.

(Signed)

Judge Sandhu, Presiding
Vancouver, Canada

(Signed)

Judge Colgan
Auckland, New Zealand

(Signed)

Judge Murphy
Cape Town, South Africa

Entered in the Register on this 13th day of July 2021 in New York, United States.

(Signed)

Weicheng Lin, Registrar