

Introduction

8. The performance improvement plan was reviewed on 20 June 2012. On this occasion, the Applicant's first reporting officer observed that she had improved in the competency of planning and organizing but that she had not been able to improve the communication competency.

9. By memorandum dated 29 June 2012, the Applicant was informed that, following the outcome of her performance improvement plan, it had been decided not to extend her appointment beyond its expiry on 31 July 2012.

10. On 30 July 2012, she sought management evaluation of the decision not to extend her appointment.

11. At 9.49 a.m. (Geneva time) on 31 July 2012, she filed with the Tribunal the application for suspension of action which forms the subject of this Judgment.

Applicant's contentions

12. The Applicant's primary contentions may be summarized as follows:

Prima facie unlawfulness

a. The justification given for the non-extension of her appointment is the outcome of the Applicant's performance improvement plan of 6 January 2012. However, in her case, the relevant rules to assess her performance have been ignored. First, she was not given an opportunity to develop and finalize an individual workplan as provided for in section 4.1 of administrative instruction ST/AI/2010/5 (Performance Management and Development System). Further, she signed the performance improvement plan on 6 January 2012 without knowing that she was not obliged to sign a plan which had not been discussed with her. In addition, the end-of-cycle appraisal "should have not given immediate reason to enforce the performance improvement plan" as she had met two of the three goals identified in the performance appraisal.

damage. The Tribunal can suspend the contested decisions only if it finds that all three requirements have been met.

Urgency

14. In Woinowsky-Krieger

18. The above notwithstanding, the Tribunal is not satisfied that the Applicant established a serious and reasonable doubt about the lawfulness of the contested decision.

19. Sections 10.1 and 10.3 of administrative instruction ST/AI/2010/5 (Performance Management and Development System) respectively provide:

10.1 When a performance shortcoming is identified during the performance cycle, the first reporting officer, in consultation with the second reporting officer, should proactively assist the staff member to remedy the shortcoming(s). Remedial measures may include ... the institution of a time-bound performance improvement plan, which should include clear targets for improvement, provision for coaching and supervision by the first reporting officer in conjunction with performance discussions,

