
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2021/061

Judgment No.: UNDT/2022/106

Date: 7 October 2022

Original: English

Before: Judge Francesco Buffa

Registry:

Introduction

1. The Applicant, who applied to a job opening for the position of an Administrative Assistant, on a fixed-term appointment , at the GS-5 level

refusal by the Administration to grant her an exception pursuant to staff rule 4.7(a)

729 days of service permitted under staff rule 4.12(b) and section 2.7 of ST/AI/2010/4/Rev.1 (Administration of temporary appointments).

9. On 5 February 2020, the ASG/OHR approved an exception to staff rule 4.7, allowing the [REDACTED] PN, as a Gender Affairs Officer on a fixed-term appointment in the Department of Political and Peacebuilding Affairs (DPPA). In approving the exception, the Respondent submits that the ASG/OHR considered [REDACTED] beyond the statutory 729 days.

10. On 5 January 2021, prior to the expiry of her temporary appointment, the Applicant applied to a job opening for the position of an Administrative Assistant at the GS-5 level at the RSCE. This would have been a fixed-term appointment.

11. On 8 February 2021, the Director of the RSCE wrote to OHR to clarify that the exception that was granted on 5 February 2020 would apply to the re-appointment of the Applicant on a fixed-term appointment if she was competitively selected for the position. In the event that a new exception was required, the Director would have to make a case for it to be approved. The Director took the view that since the Applicant joined the Organization first, and should she succeed in the selection exercise, some flexibility should be exercised in the interpretation and application of the rule.

12. On 15 March 2021, the Human Resources Policy Section conveyed the decision of the ASG/OHR not to grant an exception to staff

15. While staff rule 12.3(b) grants the Secretary-General discretion to make exceptions to the staff rules, the exception must not be

22.

27. The Tribunal therefore reiterates what it already stated in Order No. 078 (NBI/2021), that

The approval granted exceptionally in the specific context did not create legitimate expectation that a parallel employment of the sisters will be maintained for as long as they wish to remain with the Organization.

Conclusion

28. In light of the foregoing, the application is dismissed.

(Signed)