

(representatives and management too) O/A, e\$ n Oe(aation of t%e 2011
ComO(e%ens+-e Do, a/ 7a/a(# 7u(-e#.

16. !n 26 AO(+/ 2011\$ t%e 4Bth meet+ng of t%e Un+ted Nat+ons !Oe(at+ons
" anagement Team 3; ! " T=4 too) O/a, e n 2ang)o\$ at &%+, % +t &as +nd+, ated
t%at ;t%e Nat+ona/ !ff+, e(s, a/e a00ea(ed to 1e on t%e %+g% s+de= and t%at ;t%e
Gene(a/ 7e(-+, e s, a/e a/so a00ea(ed %+g%=.

1@. T%e 2011 ComO(e%ens+-e Do, a/ 7a/a(# 7u(-e# &as , ondu, ted f(om June to
De, em1e(2011.

1B. !n 10 Janua(# 2012\$ an D77C meet+ng &as %e/d\$ to , onsd+e(and s+gn t%e
D77C (e0o(t O(e0a(ed 1# t%e sa/a(# su(-e# s0e, +a/+sts\$ 1# 11 Janua(# 2013\$ fo(
O(esentat+on to t%e Eead9ua(te(s 7a/a(# 7tee(+ng Comm+tee. T%e (esu/ts of t%e
su(-e# +nd+, ated t%at Un+ted Nat+ons sa/a(+es fo(t%e Gene(a/ 7e(-+, e and Nat+ona/
!ff+, e(, atego(+es &e(e %+g%(t%an t%ose of t%e (eta+ned , omOa(ato(s\$ 1# 2@.2F
and 41.4F (es0e, t+-e/#.

19. !n 13 Janua(# 2012\$ t%e f+nd+ngs of t%e sa/a(# su(-e# s0e, +a/+sts &e(e
O(esented to t%e Eead9ua(te(s 7a/a(# 7tee(+ng Comm+tee\$ &%+, % unan+mous/#

6. The dual/salaried staff, as a result of the A00/11, are not at the same level as the dual/salaried staff, as a result of the A00/11, after 1 January 2012, according to the second/salaried staff.

7. The methodology does not take into account the increase in the number of dual/salaried staff, unless a new, permanent, position is created, and the staff, as a result of the A00/11, are not at the same level as the dual/salaried staff.

8. In view of the important role of the staff, the number of staff affected and the consequences of the present situation on the cost of the dual/salaried staff, the A00/11, are not at the same level as the dual/salaried staff, as a result of the A00/11, after 1 January 2012, according to the second/salaried staff.

1. In the meantime, the respondent notes that the scope of the Tribunal's (e- & s / + m + t e d s + n , e t e 7 e , (e t a (# H G e n e (a / % a s d + s , (e t + o n t o f + . t e s a / a + e s o f s t a f f m e m b e r s) a n d t h e T r i b u n a l , a n n o t s u b s t i t u t e i t s j u d g m e n t t o t h a t o f t h e 7 e , (e t a (# H G e n e (a / . I t i s / + m + t e d t o e . a m + n e i f t h e d e , s + o n & a s

%. The (e-+sed sa/a(# s,a/es fo(2ang)o)§ T%a+/and\$ as 0(omu/gated on 6 8e1(ua(# 2012 (es0e,t t%e 8/emm+ng P(+n,+0/e\$ &%+,% +m0/+es t%at t%e sa/a(+es %a-e to 1e among t%e 1est\$ &+t%out 1e+ng t%e also/ute 1est\$ at t%e dut# stat+on> t%e (e-+sed sa/a(# s,a/es fo(2ang)o) (ema+n among t%e 1est of t%e /o,a/+t#>

+. The a00/+,at+on s%ou/d 1e d+sm+ssed +n +ts ent+(et#.

29. The A00/+,ants (e9uest t%e (es,+ss+on of t%e (esu/ts of t%e 2011

31. The subject of the above-mentioned decision is on the one hand the frequency of salaries of staff members in the Geneva, Vienna and Nairobi offices, and on the other hand the frequency of salaries for staff members in the Geneva, Vienna and Nairobi offices, as determined in the decision of 11 October 2012 and on the other hand the frequency of salaries for staff members in the Geneva, Vienna and Nairobi offices, as determined in the decision of 11 October 2012.

32. The scope of the Tribunal's jurisdiction is determined by the provisions of the Statute of the Tribunal and the Rules of Procedure. The Tribunal's jurisdiction is limited to the review of the administrative decisions of the Secretary-General and the Director-General of the United Nations Office at Geneva, and the Director-General of the United Nations Office at Vienna, and the Director-General of the United Nations Office at Nairobi, in the exercise of their administrative functions, and the Tribunal's jurisdiction is limited to the review of the administrative decisions of the Secretary-General and the Director-General of the United Nations Office at Geneva, and the Director-General of the United Nations Office at Vienna, and the Director-General of the United Nations Office at Nairobi, in the exercise of their administrative functions, and the Tribunal's jurisdiction is limited to the review of the administrative decisions of the Secretary-General and the Director-General of the United Nations Office at Geneva, and the Director-General of the United Nations Office at Vienna, and the Director-General of the United Nations Office at Nairobi, in the exercise of their administrative functions.

33. The Tribunal's jurisdiction is limited to the review of the administrative decisions of the Secretary-General and the Director-General of the United Nations Office at Geneva, and the Director-General of the United Nations Office at Vienna, and the Director-General of the United Nations Office at Nairobi, in the exercise of their administrative functions, and the Tribunal's jurisdiction is limited to the review of the administrative decisions of the Secretary-General and the Director-General of the United Nations Office at Geneva, and the Director-General of the United Nations Office at Vienna, and the Director-General of the United Nations Office at Nairobi, in the exercise of their administrative functions.

&+t%n adm+n+st(at+-e /a& s#stems\$ as implied adm+n+st(at+-e de,+s+ons.

.Issuance o" secondar# salar# scales "or sta"" recruited on or a"ter \$ %arch & '\$&

3 . T%e de,+s+on to +ssue se,onda(# sa/a(# s,a/es fo(staff mem1e(s (e,(u+ted on o(afte(1 " a(,% 2012 ,/ea(/# does not amount to an adm+n+st(at+-e de,+s+on unde(a(t. 2.13a4 of t%e T(+1una/As 7tatute\$ as Oe(t%e te(m(s of t%e a1o-eH9uoted def+n+t+on ado0ted 1# t%e A00ea/s T(+1una/. At t%e moment of t%e+(+ssuan,e\$ t%e se,onda(# sa/a(# s,a/es &e(e to a00/# e. ,/us+-e/# +n t%e futu(e\$ fo(an undef+ned Oe(+od\$ to a g(ou0 of Oe(sons &%+,% at t%at t+me and as at toda# ,ou/d and ,annot 1e +dent+fed. As su,%\$ t%e +ssuan,e of se,onda(# sa/a(# s,a/es fo(Gene(a/ 7e(-+,e staff and Nat+ona/ ! ff+,e(s (e,(u+ted on o(afte(1 " a(,% 2012 +s not of +nd+-+dua/ a00/+,at+on and does not O(odu,e d+(e,t /ega/ ,onse9uen,es. 6t does ,onst+ute an adm+n+st(at+-e a,t &t% (egu/ato(# Oo&e(\$ 1ut not an adm+n+st(at+-e de,+s+on as Oe(t%e a1o-e ,(+te(+a ado0ted 1# t%e A00ea/s T(+1una/. T%e(efo(e\$ t%+s Oa(t of t%e a00/+,at+on +s not (e,e+-a1/e\$ rati^one materiae and %as to 1e d+sm+ssed.

(reeze o" existing salar# scales in e""ect since \$ August & '\$ '

36. T%e T(+1una/ no& %as to ,ons0(a)3.84766(,)3.84766(4(68(e)3.84766(a)3.84766(()3.00781(7(()3 s6.68%e a and , t(1766()-60(g%.36 -20.76 T

staff membe(s & o ad been on st(+)e on t&o s0e,+f+, da#s\$ & ou/d le ,o-e(ed 1# a 0F 0a#(o// deduc,tion f(om t%e ne.t 0a#(o// and a 0F deduc,tion f(om annua/ /ea-e\$ and t%at 100F 0a#(o// deduc,tion & ou/d le made fo(a// staff & o & e(e a/sent f(om & o() on anot%(e s0e,+f+, da# I ,onst:tutes an a00ea/a1/e adm+n+st(at+-e de,+s+on. T%e A00ea/s T(+1una/ found t%at t%e C+(,u/a(,ontained ;a// t%e ne,essa(# ,om0onents (efe((ed to +n Andronov to g+-e (+se to /ega/ ,onse9uen,es fo(t%e st(+)+ng staff= and t%at ;t ,ontained +nfo(mat+on & %+,% affe,ted t%e (+g%ts of t%e staff membe(s +n 9uest+on\$ g+-en t%at +t & as le+ng ,/ea(/# ,ommun+,ated to t%e (e/e-ant staff membe(s t%at deduc,tions & e(e go+ng to le made f(om t%e+(sa/a(+es=\$ %en,e\$;-sHLH-+s t%e st(+)+ng staff membe(s +t %ad +nd+-+dua/ a00/+,at+on=.

39. 6t +s t%e ,ons+de(ed -+e& of t%+s T(+1una/ t%at t%e s+tuat+on +n t%e ,ase at %and d+ffe(s f(om t%e ,ase of Al Surkhi et al. T%e C+(,u/a(+n Al Surkhi et al) & as add(essed and a00/+(ed to a ,e(ta+n and ,/ea(/# def+na1/e g(ou0 of staff membe(s & o ad been on st(+)e on t&o o(t%(ee s0e,+f+, da#s\$ and & %o\$ t%e(efo(e\$ 1# t%e+(o&n ,on,(ete a,+on\$ & e(e su1<e,ted to a ,e(ta+n de,+s+on 1# t%e Adm+n+st(at+on I to & +t\$ a deduc,tion f(om 0a#(o//annua/ /ea-e on t%e las+s of t%e 0(+n,+0/e of no 0a# fo(da#s not & o()ed. T%us\$ t%e de,+s+on\$ t%oug% ,o//e,t+-e\$ & as of +nd+-+dua/ a00/+,at+on\$ and +ts a00/+,at+on & as ,/ea(/# def+ned +n s,00e and t+me. 6n t%e 0(esent ,ase\$ %o&e-e(\$ t%e sa/a(# f(eeGe a00/+(es to a g(ou0 of staff membe(s def+ned e. ,/us+-e/# 1# t%e+(status and ,atego(# & +t%+n t%e !(gan+Gat+on\$ and\$ as noted a1o-e\$ +ts a00/+,at+on +n t+me and du(at+on ,annot le dete(m+ned. A. ,o(d+ng/#\$ t%e T(+1una/ ,on,/udes t%at +n a00/#+ng t%e test of Andronov\$ t%e de,+s+on to f(eeGe e.+st+ng sa/a(# s,a/es unt+/ t%e ;ga0 +s ,/osed=\$ as ,ontained +n ! E* " ,a1/e of 6 8e1(ua(# 2012\$ does not ,onst:tute an adm+n+st(at+-e de,+s+on fo(t%e Ou(oose of a(t. 2.13a4 of t%e T(+1una/As 7tatute.

40. T%+s 0a(t of t%e a00/+,at+on +s t%e(efo(e e9ua//# not (e,e+-a1/e\$ and %as to le d+sm+ssed.

41. " o(eo-e(\$ t%e T(+1una/ (e,a//s t%at de,+s+ons 1# & %+,% t%e 7e,(eta(#HGene(a/ f+.es sa/a(# s,a/es +n a. ,o(dan,e & +t% t%e a1o-eH9uoted

0(o-s+s+ons of t%e 7taff *egu/at+ons\$ a(e measu(es &t% (egu/ato(# 0o&e(&%+, % t%e T(+1una/ %as no ,om0eten,e to (es,+nd.

42. 6t +s on/# at t%e o,,as+on of +nd+-+dua/ a00/+,at+ons aga+nst t%e mont%/# sa/a(#/0a#s/+0 of a staff mem1e(t%at t%e /atte(ma# susta+n t%e +//ega/+t# of t%e de,+s+on 1# t%e 7e,(eta(#HGene(a/ to f+. and a00/# a s0e,+f+, sa/a(# s,a/e to %+m/%e(\$ +n &%+, % ,ase t%e T(+1una/ ,ou/d e.am+ne t%e /ega/+t# of t%at sa/a(# s,a/e &t%out (es,+nd+ng +t. As su,%\$ t%e T(+1una/ ,onf+(ms +ts usua/ <(s0(uden,e a,,o(d+ng to &%+, %\$ &%+/e +t ,an +n,+denta//# e.am+ne t%e /ega/+t# of de,+s+ons &t% (egu/ato(# 0o&e(\$ +t does not %a-e t%e aut%o(+t# to (es,+nd su,% de,+s+ons.

43. 6n -+e& of t%e fo(ego+ng\$ t%e T(+1una/ D5C6D57:

T%e a00/+,at+on +s (e<e,+ted.

Signed

Judge JeanH8(anMo+s Cous+n

Dated t%+s t% da# of " a(, % 2014

5nte(ed +n t%e *eg+ste(on t%+s t% da# of " a(, % 2014

Signed

*enN " . Va(gas " . \$ *eg+st(a(\$ Gene-a