



JUDGE ROSALYN CHAPMAN , PRESIDING .

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it the appeal filed by Ms. Mary Grace Slade of Judgment No. UNDT/2013/121 issued by the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Nairobi on 8 October 2013, in the case of *Slade v. Secretary-General of the United Nations*. Ms. Slade filed her appeal on 23 October 2013, and the Secretary-General filed his answer on 6 January 2014.

#### Facts and Procedure

2. Effective 10 February 2006, Ms. Slade joined the United Nations Organization Mission in the Democratic Republic of Congo as an Information Technology Assistant with an appointment of limited duration at the FS-4 level, grade 1, under the former 300 series of the Staff Regulations and Rules. She was given several extensions of the limited duration appointment.

3. By memorandum dated 30 April 2009, the Officer-in-Charge, Chief of Civilian Personnel Office (CCPO), sent Ms. Slade a memorandum entitled “New Contractual Arrangements for International Staff holding 300 Series Mission Appointments in Special Missions” (Memorandum).

The Memorandum advised Ms. Slade that 300 series appointments would be discontinued as of

5. The note attached to the Memorandum described the planned phasing-out of the PTA: (i) 1 July 2009 through 30 June 2011 - 100% of the PTA will be paid; (ii) 1 July 2011 through 30 June 2012 – 70% of the PTA will be paid; (iii) 1 July 2012 through 30 June 2013 – 40% of the PTA will be paid; and (iv) the PTA will be discontinued completely effective 1 July 2013.

6. The Memorandum required Ms. Slade's supervisor, or Section Chief, to indicate his or her "recommendation for the ... type and duration of new appointment" for Ms. Slade. Ms. Slade's supervisor checked the recommendation box for a "[n]ew fixed-term appointment for one year eff. 1 July 2009" and signed and dated the Memorandum on 8 May 2009. Ms. Slade counter-signed and dated the Memorandum the same day, indicating that she had "been informed of the recommendation".

7. Ms. Slade signed a letter of appointment for each of her one-year fixed-term appointments from 1 July 2009 through 30 June 2012. Each of these letters of appointment incorporated the Staff Regulations and Rules and none of them referred to either the Memorandum or the PTA.

8. Ms. Slade was paid the PTA for two years, covering her fixed-term appointments from 1 July 2009 through 30 June 2011. The PTA was not paid starting 1 July 2011, to the present.

9. On 24 December 2010, the General Assembly adopted resolution 65/248, approving the Secretary-General's recommendations, which included the discontinuance of the PTA. The General Assembly also requested the Secretary-General to absorb the costs of the reform from

12. On 19 April 2011, Ms. Slade filed an individual request for management evaluation of the decision to discontinue paying her the PTA. That same day, Ms. Slade also filed an application for suspension of action. On 27 June 2011, the United Nations Field Staff Union (FSU) filed a motion to be permitted to file an *amicus curiae* brief. The Secretary-General

**THE UNITED NATIONS APPEALS TRIBUNAL**

Judgment No. 2014-UNAT-463

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Original and Authoritative Version: English

Dated this 17<sup>th</sup> day of October 2014 in New York, United States.

*(Signed)*

Judge Chapman, Presiding

*(Signed)*

Judge Lussick

*(Signed)*

Judge Adinyira

Entered in the Register on this 22<sup>nd</sup> day of December 2014 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar