

Translated from French

Case No.: UNDT/GVA/2010/109

Introduction

1. The Applicant contests the decision of the United Nations Office at Geneva (“UNOG”) not to pay her upon her retirement a prorated amount for

- c. Contrary to the Applicant's assertions, she has not pursued a formal mediation, even if she has had contacts with the Office of the Ombudsman;
- d. The special conditions of service applicable to language teachers are set out in Appendix F to the 100 series of the Staff Rules. The summer recess and breaks between terms over and above the leave entitlement provided for in the Staff Rules do not constitute annual leave, but are periods of special leave with pay;
- e. The content of appendix F is fully consistent with the Secretary-General's proposals in his report A.C/5.38/41 of 18 November 1983, as approved by General Assembly resolution 38/234, which was the basis for the issuance of administrative instruction ST/AI/316 of 6 March 1984, granting the status of staff member to full-time language teachers;
- f. The conditions of service of language teachers are regulated by the International Civil Service Commission in its report (ICSC/52/R.6/Add.3 of 18 July 2000). The former United Nations Administrative Tribunal affirmed the Administration's position in its judgment No. 1212, *Stouffs* (2004);
- g. The Applicant is not entitled to contest the regulatory measures taken by the Administration;
- h. Pursuant to staff rule 109.10(a), all entitlements cease as of the date of retirement approved by the Secretary-General. There is therefore no reason why the Applicant should be compensated for special leave with pay corresponding to the 26 weeks that she worked in 2009.

Considerations

18. The facts as set out above establish that, beginning on 29 January 2009, the Applicant submitted several requests to the UNOG Administration seeking to receive upon her retirement a prorata payment for accrued annual leave and it was not until 25 August 2010 that she submitted a request for a management

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