Case No. UNDT/GVA/2012/065 Judgment No. UNDT/2013/0 UN%G \S ,+s se!e9t+on *eBuest +n fa.ou* of t>o of t,e *e9ommended 9and+dates endo*sed 7" t,e C ' C: one 0 s.). 2. and 0 s. C. 2.

E.

13. T,e T*+7una!8 7" %*de* No. 51 :GVA/2013= of 3 0 a" 20138 *e?e9ted t,e A66!+9antHs mot+on and o*de*ed t,e 'es6ondent to 6*o.+de su66o*t+ng do9uments 9on9e*n+ng one of t,e se!e9ted 9and+dateHs >o*- eC6e*+en9e8 e.+den9e of t,e ;esta7!+s,ed mont,!" >o*-!oad standa*d< of Un+ted N

assessment 6ane! o* t,e ,+*+ng manage* 7e9ause t,e A66!+9ant >as *e9ommended fo* t,e 6osts \mathbb{D}

- 9. T,e A66!+9ant 7ea*s t,e 7u*den of 6*o.+ng t,*oug, 9!ea* and 9on.+n9+ng e.+den9e t,at ,e >as den+ed a fa+* 9,an9e of 6*omot+on \mathbb{D}
- d. T,e a+m of t,e >*+tten test >as to s,o*t!+st su99essfu! 9and+dates fo* a 9om6eten9"37ased +nte*.+e> \mathbb{D} s+n9e t,e A66!+9ant >as +nte*.+e>ed8 t,e >*+tten test d+d not 6*e?ud+9e ,+m \mathbb{D}
- e. T,e t,*ee e.a!uato*s of t,e >*+tten test s9o*ed t,e tests +nde6endent!" and anon"mous!"D
- f. A staff mem7e*, as no *+g,t to 6*omot+on and fa.ou*a7!e 6e*fo*man9e *e6o*ts and sen+o*+t" 9annot 7e 9ons+de*ed as g+.+ng *+se to an eC6e9tan9" of 6*omot+on0
- g. T,e &e9*eta*"3Gene*a!, as 7*oad d+s9*et+on +n matte*s of a66o+ntment and 6*omot+onD

, .

a66a*ent=8 d+s9*+m+nat+on8 fa+!u*e to g+.e a 6a*t" fu!! and fa+* 9ons+de*at+on and +n t,e fa9e of +**efuta7!e 6*o9edu*a! +**egu!a*+t+es :Majbri 20123UNAT3200=. #t +s not t,e T*+7una!Hs *o!e to su7st+tute +ts o>n de9+s+on fo* t,at of t,e &e9*eta*"3Gene*a! :Abbassi 20113UNAT3110=.

Issues

- 23. #n ,+s a66!+9at+on8 t,e A66!+9ant *a+sed matte*s +n *e!at+on to >0*- 6!a9e ,a*assment and a7use of aut,o*+t". T,e T*+7una! +nfo*med ,+m at t,e ,ea*+ng t,at su9, matte*s >e*e not 6*o6e*!" 7efo*e +t and t,at ,e s,ou!d fo!!o> t,e su+ta7!e 9,anne!s to add*ess t,em. T,e A66!+9ant 9!a*+f+ed t,at ,+s *es6e9t+.e a!!egat+ons >e*e to 7e 9ons+de*ed as 7a9-g*ound +nfo*mat+on on!". #n !+g,t of t,e a7o.e8 +n t,+s Judgment t,e a!!egat+ons of >0*- 6!a9e ,a*assment and a7use of aut,o*+t" *a+sed 7" t,e A66!+9ant >+!! not 7e add*essed.
- 2@. T,e +ssues +n t,+s 9ase fo* dete*m+nat+on 7" t,e T*+7una! a*e:
 - a. 1 ,et,e* one of t,e se!e9ted 9and+dates fu!f+!!ed a!! t,e *eBu+*ements fo* t.e ad.e*t+sed 6osts) and
 - 7. 1 ,et,e* t,e A66!+9ant *e9e+.ed fu!! and fa+* 9ons+de*at+on du*+ng t,e se!e9t+on 6*o9ess fo* t,e ad.e*t+sed 6osts.

D+d one of t, e se!e9ted 9and+dates fu!f+! t, e *eBu+*ements fo* t, e 9ontested 6ostI

- 25. #t +s !a*ge!" 6a*t of t,e A66!+9antHs 9ase t,at one of t,e se!e9ted 9and+dates8 0 s. C. 2.8 d+d not fu!f+!! t,e >o*- eC6e*+en9e *eBu+*ement fo* t,e 6osts. #t +s 9!ea* t,at t,e se!e9t+on of a 9and+date >,o does not meet t,e 6u7!+s,ed 9*+te*+a fo* a 6ost *ende*s t,e se!e9t+on 6*o9ess +**egu!a*.
- 26. T, e >0*- eC6e*+en9e *eBu+*ed fo* t, e ad. e*t+sed 6osts >as as fo!!o>s:

At !east f+.e "ea*s of t*ans!at+on eC6e*+en9e +n a 7*oad *ange of su7?e9ts dea!t >+t, 7" t,e Un+ted Nat+ons :6o!+t+9a!8 so9+a!8 !ega!8 e9onom+98 f+nan9+a!8 adm+n+st*at+.e8 s9+ent+f+9 and te9,n+9a!=8 >+t, a *e9ogn+Jed s6e9+a!+Jat+on +n a 6a*t+9u!a* su7stant+.e8 te9,n+9a! o* adm+n+st*at+.e a*ea. P*efe*a7!" +n9!ud+ng t,*ee "ea*s >+t,+n t,e Un+ted Nat+ons and some eC6e*+en9e of se!f3*e.+s+on.

- 2E. T,e 'es6ondent 6*o.+ded t,e T*+7una! >+t, 0 s. C. 2.Hs em6!o"ment ,+sto*" at t,e Un+ted Nat+ons8 a 9o6" of t,e Pe*sona! 5+sto*" P*of+!e :;P5P<= s,e used to a66!" fo* t,e ad.e*t+sed 6osts and *e9ommendat+on !ette*s f*om t,e A66!+9antHs 6*e.+ous em6!o"e*s.
- 2G. 4*om t,e do9umenta*" e.+den9e8 t,e T*+7una! f+nds t,at as of t,e t+me of su7m+tt+ng ,e* a66!+9at+on fo* t,e ad.e*t+sed 6osts8 0 s. C. 2. ,ad t,*ee "ea*s8 11 mont,s and 1E da"s of *e!e.ant >o*- eC6e*+en9e at t,e Un+ted Nat+ons.¹
- 2 . #n t,e P5P s,e used to a66!" fo* t,e ad.e*t+sed 60sts\$ 0 s. C. 2. +nd+9ated t,at f*om 1 &e6tem7e* 2005 to 30 June 200E\$ s,e >as 6u*su+ng ,e* maste*s\$1 stud+es fu!!3t+me > ,+!e s,e >o*-ed 6a*t3t+me as a t*ans!ato* at a 6*+.ate 9om6an" +n (e+?+ng\$ f*om 1 Ju!" 2005 to 30 June 200E\$ > ,e*e s,e t*ans!ated ;on a.e*age 20\$000 > o*ds 9ounted +n \$ng!+s, 6e* mont,<.
- 30. A !ette* of *e9ommendat+on dated 1 4e7*ua*" 200G f*om t,e A66!+9antHs 6*e.+ous em6!o"e*8 +nd+9ates t, at 0 s. C. 2. >o*-ed as a 6a*t3t+me t*ans!ato* at +ts 9om6an" as f*om Ju!" 20058 and t, at s,e, ad t*ans!ated; some 308000 >o*ds 6e* mont, <>,+!e s,e >o*-ed t,e*e.
- 31. T,e 'es6ondent su7m+tted t, at a990*d+ng to t,e 6*og*amme 7udget fo* t,e 7+enn+um 1 031 18^2 a t*ans!ato*Hs >o*-!oad at t,e Un+ted Nat+ons +s 18650 >o*ds 6e* da" >,+9, t*ans!ates to 3@8560 >o*ds 6e* mont,. ConseBuent!"8 0 s. C. 2.Hs eC6e*+en9e of t*ans!at+ng at !east 208000 >o*ds 6e* mont, at t,e 6*+.ate 9om6an" +n (e+?+ng on a 6a*t3t+me 7as+s fo* t>o "ea*s amounted to 5E.GF of a t*ans!ato*Hs >o*-!oad at t,e Un+ted Nat+ons. 5 ' 0 &8 UN%G dete*m+ned t, at t,+s 6e*9entage >as eBu+.a!ent to one "ea* and one mont, of *e!e.ant >o*-eC6e*+en9e.
- 32. T,e &en+o* 5 uman 'esou*9es %ff+9e* 5 ' 0 & UN%G test+f+ed t,at on!" 6*ofess+ona! eC6e*+en9e ga+ned afte* t,e f+*st deg*ee +s 9ons+de*ed 7" t,e

 2 A/C.5/@5/1 : 1 o*-3!oad standa*ds fo* .a*+ous 9atego*+es of 9onfe*en9eKse*.+9+ng staff% +n9!ud+ng 9!e*+9a! and t"6+ng staff% and >o*-3!oad stat+st+9s fo* t,e .a*+ous 9onfe*en9e se*.+9es +n t,e 1 G63 1 GE and 1 GG31 G 7+enn+ums= of 3 0 a*9, 1 0.

 $^{^1}$ 2 Ju!" 200E to 2G &e6tem7e* 200E§ 3 De9em7e* 200E to 31 De9em7e* 200E§ 13 June 200G to 3 4e7*ua*" 2012 :date on > ,+9 , s ,e a66!+ed fo* t ,e 6os+t+on=.

%*gan+Jat+on as *e!e.ant >o*- eC6e*+en9e. &,e added t,at >,en a 9and+date +nd+9ates t,at ,e/s,e >o*-ed 6a*t3t+me\$ t,en t,e tota! du*at+on of em6!o"ment >ou!d 7e *edu9ed 7" ,a!f and 9ons+de*ed as *e!e.ant eC6e*+en9e to 7e att*+7uted to t,e 9and+date. Add+t+ona!!"\$ s,e test+f+ed t,at +n s+tuat+ons >,e*e +t +s +nd+9ated t,at t,e staff mem7e* >as stud"+ng >,+!e >o*-+ng\$ 6*ofess+ona! eC6e*+en9e ga+ned +s 6a*t+a!!" 9ounted +f deemed as *e!e.ant 6*ofess+ona! eC6e*+en9e. 5 ' 0 &\$ UN%G 9ounts t,+s eC6e*+en9e and uses +ts d+s9*et+on to dete*m+ne >, at 6e*9entage to a99o*d +t.

33. T,+s met, od of 9a!9u!at+on +s a!so +n !+ne >+t, 6a*ag*a6, G of t,e ;Gu+de!+nes fo* dete*m+nat+on of !e.e! and ste6 on *e9*u+tment to t,e 6*ofess+ona! 9atego*" and a7o.e<:;t,e gu+de!+nes<= >,+9, 6*o.+des t,at ;>o*- eC6e*+en9e 9an 7e a9Bu+*ed on a fu!!3t+me o* 6a*t3t+me 7as+s. 1 o*- eC6e*+en9e a9Bu+*ed on a ot6a+s-0.29dC[2()-10.1525(>)1.7

 $t+s-0.291593(\)-160.242(9)3.5875(+)-2.3329(7)-0.7352\%(\ '')19.7162(8)-0.242(9)3.5875(+)-2.3329(7)-0.7352\%(\ '')19.7162(8)-0.242(9)3.5875(+)-2.3329(7)-0.7352\%(\ '')19.7162(8)-0.242(9)3.5875(+)-2.3329(7)-0.7352\%(\ '')19.7162(8)-0.242(9)3.5875(+)-2.3329(7)-0.7352\%(\ '')19.7162(8)-0.242(9)3.5875(+)-2.3329(7)-0.7352\%(\ '')19.7162(8)-0.242(8)-0.242(9)3.5875(+)-2.3329(7)-0.7352\%(\ '')19.7162(8)-0.242$

1 as t, e A66!+9ant a990*ded fu!! and fa+* 9ons+de*at+on +n t, e se!e9t+on 6*09ess fo*

Case No. UNDT/GVA/2012/065