

a. On 1 July 2004, the Applicant commenced employment with MONUSCO on a fixed-term appointment as an Economic Affairs Officer at the P-4 level in the Political Affairs Division (“PAD”). She worked in PAD until her separation from service on 31 August 2015.

b. By a memorandum dated 7 September 2014, the Special Representative of the Secretary-General (“SRSG”) for MONUSCO selected the Applicant for a transfer from PAD to his office to serve as his economic ados office

f. Since Mr. Torres did not respond to this request HR sent a reminder to him on 27 May 2015 reminding him that the Applicant's fixed-term appointment was due to expire on 30 June 2015.

g. On 1 July 2015, the Applicant's first reporting officer ("FRO") assessed her overall performance for the 2014-2015 performance evaluation cycle as "does not meet performance expectations".

h. By an email dated 1 July 2015, Mr. Torres confirmed his approval of the extension of the Applicant's appointment but did not indicate for how long. On 2 July 2015, the Applicant returned the unsigned extension request form to the Director's office.

i. On 3 July 2015, the Director of PAD emailed HR confirming his approval of the extension of the Applicant's appointment for a period of three months to enable her to comply with a PIP.

j. The Applicant submitted a formal rebuttal of her 2014-2015 e-PAS on 15 July 2015.

k. On 16 July 2015, the Applicant's FRO sent her a draft PIP with a request that she submit her comments, if any, within a week. The Applicant has not submitted any documentary evidence or submission indicating that she submitted comments on the PIP or responded to her FRO's email. She did, however, send an email to the Chief of HR objecting to the PIP and requesting a one year extension of her contract and a continuing appointment.

l. On the same day, the FRO sent the Applicant the request for extension of appointment form for her signature. He informed her that her signature was required for HR to process a four-month extension for the PIP to be implemented. The Applicant states that she objected to this approach because her e-PAS had not been through a rebuttal process at that stage.

Case No. UNDT/NBI/2016/008

Judgment No. UNDT/2018/011

section 4.4 of ST/AI/2013/1, to sign and return the form of acceptance of the new contract but she failed to do so.

13. The Applicant's case is that there were no valid grounds for putting in place a PIP and that since performance was in issue, and she had filed a rebuttal, her contract should have continued until the rebuttal panel issued its report. Failure to do so was a procedural error and the decision not to renew her contract should be rescinded and she should be awarded compensation for loss and damage.

14. It is the Respondent's case that there were good grounds to question the Applicant's performance and that the decision to put in place a PIP was fully merited and was in accordance with the provisions of section 4.11 of ST/AI/2013/1. It was necessary to extend her contract in order to implement the PIP. However, the Applicant's continuing refusal to sign acceptance of a contract extension left them with no alternative but to separate her from the Organization in accordance with the provisions of section 4.4 of ST/AI/2013/1.

15.

Testis did not indicate his consent to the renewal until 1 July and on 3 July 2015
he supported an extension of three months to cover the duration of the PIP.

18. Mr. Torres, as the Dire was res in not tain aroriate-

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Case No. UNDT/NBI/2016/008

Judgment No. UNDT/2018/011

(Signed)

Judge Goolam Meeran

Dated this