

Introduction

1. The Applicant, Chief, Integrated Support Services at the P-5 level with the United Nations Stabilization Mission in Haiti (“MINUSTAH”) at the time of the application, contests the Administration’s decision that “the Applicant did not meet the minimum requirements for participating in the rostering exercise for the Generic Job Opening of Chief Service Delivery D-1 [Generic Job Opening #15-LOGFMADFS-45021-P-Field Locations (“GJO 45021”)] and being screened out of the rostering exercise for that post”.

Facts

2. In December 2014, guidance was circulated in a memo from the Under-Secretary-General for Field Support (“USG/DFS”) entitled “Guidance on Mission Support Structures” dated 4 December 2014 (“Guidance”) regarding the decision by the Department of Field Support (“DFS”) to revise Mission Support structures. DFS instructed larger peacekeeping missions to split the functions performed by Chief of Integrated Support Services, creating two pillars: Service Delivery and Supply Chain Management, with corresponding posts of Chief of Service Delivery and Chief of Supply Chain Management. Under this new structure, the Movement Control function, previously included in the Chief of Integrated Support Services role, was moved to the Supply Chain Management pillar. In smaller missions, one post combining functions of Chief of Service Delivery and Chief of Supply Chain would be used.

3. On 9 July 2015, the Applicant was laterally transferred from her position as P-5 Chief of Technical Services with the United Nations Assistance Mission for Iraq to the position of Chief, Integrated Support Services, in MINUSTAH at the P-5 level. Following the closure of MINUSTAH, she was laterally reassigned to the United Nations Interim Security Force for Abyei as a Chief of Supply Chain Management.

4. On 21 July 2015, Generic Job Openings (“GJO”) 45020 and 45021 were advertised. The purpose of the GJO 45020 was to generate a list of qualified candidates for inclusion in the Chief of Supply Chain Management (“CSCM”) roster at the D-1 level. The purpose of the GJO 45021 was to generate a list of qualified candidates for inclusion in the Chief of Service Delivery (“CSD”) roster at the D-1 level.

5. On 1 August 2015, the Applicant submitted her application for Chief of Service Delivery, GJO 45021. The Applicant also applied for Chief of Supply Chain Management, GJO 45020 and was called for a written test on 26 January 2016.

6. Of the 254 candidates who applied for GJO 45021, 90 were screened out during an automated screening process conducted by Inspira (the online United Nations jobsite), in accordance with sec. 7.1 of ST/AI/2010/3. The remaining 164 candidates, including the Applicant, were then released to the hiring manager for further consideration in accordance with sec. 7.2 of ST/AI/2010/3.

7. In January 2016, during a preliminary review of her application for Chief of Service Delivery, GJO 45021, the hiring manager determined that the Applicant did not meet the minimum of 15 years of required experience in the management of complex service delivery and/or diverse logistic operations, as required by the GJO. The Applicant was determined to be not suitable for the GJO and her candidacy was not considered further.

Procedural background

8. On 9 December 2016, the Applicant filed her application.

9. On 9 January 2017, the Respondent filed his reply.

10. On 1 January 2019, the present case was re-assigned to the undersigned Judge.

11.

Was the Applicant given full and fair consideration for Chief of Service Delivery GJO 45021?

16. In the present case, the Applicant submits that the recruitment process for Chief of Service Delivery GJO 45021 was not carried out in a lawful manner. In particular, the Applicant states that the hiring manager unlawfully applied minimum work experience requirements absent from the vacancy announcement and, in any case, did not have the right to review the Applicant's application to determine eligibility. The Applicant further submits that contrary to the hiring manager's evaluation, she did meet the minimum requirements for Chief of Service Delivery at the D-1 level.

17. The Respondents responds that the recruitment process followed the correct procedures, that the Applicant received full and fair consideration, and that the Applicant did not meet the minimum requirements for Chief of Service Delivery at the D-1 level.

Did the hiring manager erroneously apply minimum work experience requirements that were absent from the vacancy announcement?

18. The Job Opening for Chief, Service Delivery, GJO 45021 stated the following work experience requirements for the position:

A minimum of fifteen years of progressively responsible experience managing complex service delivery and/or diverse logistics operations in military, commercial or international organisations. Management experience and technical leadership skills in a complex environment is required. Experience in technical project management and/or managing highly complex operations in a conflict or post-conflict environment is highly desirable. Experience in planning, deployment and sustaining peacekeeping missions, including military and police components, is desirable.

19. Section 1(f) of ST/AI/2010/3 states that evaluation criteria "must be objective and related to the functions of the generic job profile or the individually classified job

description and must reflect the key competencies that will be assessed”. It follows that the criteria to be used in evaluating candidates must be clearly stated in the vacancy announcement (*Neault* UNDT/2012/123).

20. In providing full and fair consideration to staff members, this Tribunal has held that the Administration is bound by the terms of the vacancy announcement that regulates the selection exercise (*Neault; Korotina* UNDT/2012/178). It is a matter of fairness and transparency that the vacancy announcement should inform potential candidates clearly and fully of the requirements of an advertised post. As the Tribunal emphasized in *Neault*, a clear and full statement is all the more imperative with respect to evaluation criteria which will be decisive in the assessment of the candidates’ suitability for the post.

21. However, the criteria used by the hiring manager in evaluating candidates in the present case is different to the one stated in the vacancy announcement. In the management evaluation letter to the Applicant dated 15 November 2016, the Under-Secretary-General for Management (“USG/DM”) stated that the requirements for Chief, Service Delivery, GJO 45021 were defined to capture the functions in the new Mission Support Pillars as outlined in the USG/DFS Guidance. The USG/DM stated further that given the complexity and seniority of the position of Chief, Service Delivery, it was decided that, when determining whether candidates met the requirement of “managing complex service delivery and/or diverse logistics operations in military, commercial or international organizations”, the Personal History Profiles (“PHPs”) of candidates would be reviewed to ascertain if they had a minimum of 15 years of experience in at least three of the twelve service areas outlined in such Guidance. The twelve service areas were: (1) Engineering; (2) Facilities Management; (3) Mail and Pouch; (4) Camp Maintenance Services; (5) Life Supply Services; (6) Rations; (7) Fuel; (8) General Supply; (9) Mobility; (10) Aviation; (11) Transport (vehicle maintenance, dispatch, etc.); and (12) Medical.

26. In the present case, it is a matter of fact that OHRM pre-screened the

where a staff member had a significant chance of promotion, the irregularity has a direct impact on the status of that staff member resulting in the rescission of the impugned decision (see *Pinto* 2018-UNAT-878; *Krioutchkov*, 2016-UNAT-691; *Vangelova* 2011-UNAT-172; *Dualeh* 2011-UNAT-175; *Bofill* 2011-UNAT-174 and *Sina* 2010-UNAT-094).

31. It follows that there must be a link between the irregularity in the procedure and the failure to short-list the Applicant. The Applicant states that she met the minimum requirements of fifteen years of relevant work experience. The Respondent maintains that she did not fully meet the requirements, as the hiring manager determined that the Applicant did not have the minimum of 15 years of required experience in the management of complex service delivery and/or diverse logistic operations, as required by the vacancy announcement.

32. The Respondent states that only three of the Applicant's twelve jobs listed in the "Employment" section of her PHP were deemed relevant for the purposes of the Chief of Service Delivery, GJO 45021. Eight jobs were deemed not relevant for the purposes of Chief of Service Delivery, GJO 45021, but were relevant for the position of Chief of Supply Chain Management, GJO 45020. One of the Applicant's jobs was deemed not relevant for either position. In total, the hiring manager determined that the Applicant had relevant experience amounting to only approximately 18 months, which falls significantly short of the 15-year minimum relevant work experience requirement for GJO 45021. It appears that the hiring manager's assessment concluded at this point and the Applicant's PHP was not evaluated with reference to the erroneous criteria of "experience in at least three of the twelve service areas outlined in the USG/DFS".

33. The Tribunal notes that the majority of the Applicant's experience was found to be in movement control related functions. The hiring manager found that the Applicant's experience as a P-4 Chief Movement Control Officer with the United Nations Operation in Côte d'Ivoire from 16 April 2004 to 14 June 2014 was not

relevant for the purposes of Chief of Service Delivery, GJO 45021, but was relevant for Chief of Supply Chain Management, GJO 45020. In the management evaluation

36.

Conclusion

40. The Tribunal finds that there was a breach of procedure in the failure of the Respondent to clearly state the criteria to be used in evaluating candidates in the vacancy announcement for GJO 45021. However, as the Applicant was lawfully found not to be eligible for the position of Chief of Service Delivery, GJO 45021, she