



## **Introduction**

1. On



16. On 1 October 2020, the CHRO sent the Applicant a memorandum attaching the revised ToRs and requested that the Applicant use it going forward.

17. On the same day, the Applicant requested a retroactive SPA for additional duties he had performed from 27 March 2016 to 27 October 2017.

18. On 2 October 2020, the CTO and the Applicant met to discuss the Applicant's objections to the ToR and his 2020/2021 workplan. During the meeting, the CHRO informed the Applicant that he was not eligible for SPA.

19. On 22 October 2020, the Applicant requested management evaluation of all the contested decisions.

20. On 2 December 2020, the Under-Secretary-General for the Department of Management, Strategy, Policy and Compliance informed the Applicant that the Secretary-General had upheld the contested decisions.

## **Considerations**

### *SPA decision*

21. The Applicant claims retroactive SPA for additional duties assigned to him during the period of

issuing official TOR in 2016 but rather issuing the official TOR only on [2] October 2020”.

24. The Tribunal notes that staff rule 3.10(b) on SPA provides that a staff member holding a fixed-term or continuing appointment, who is called upon to assume the full duties and responsibilities of a post at a clearly recognizable higher level than his or her own for a temporary period exceeding three months, may, in exceptional cases, be granted a non-pensionable special post allowance from the beginning of the fourth month of service at the higher level.

25. Staff rule 3.17 on retroactivity of payments further provides that a staff member, who has not been receiving an allowance to which he or she is entitled, shall not receive retroactively such allowance unless the staff member has made written claim within one year following the date on which the staff member would have been entitled to the initial payment (staff rule 3.17).

26. The Appeals Tribunal has confirmed that pursuant to staff rule 3.17(ii), a request for retroactive SPA payments must be made within one year following the date on which the staff member would have been entitled to the initial payment (see *Fitsum* 2017-UNAT-804).

27. The record clearly indicates that the Applicant has commendably worked with dedication, taking on additional duties when his team needed support due to understaffing. However, the Tribunal notes that in the Applicant’s request for SPA, dated 1 October 2020, he wrote that he had been performing the additional duties since 27 March 2016.

28. Pursuant to staff rule 3.10(b), if the requirements for SPA were met in the Applicant’s case,



35. The record indicates that the Applicant did not





Applicant has received training for the new functions. Moreover, the Applicant has, in fact, been successfully performing the functions in the amended ToRs according to his performance evaluations between 2016 and 2020 where his First Reporting Officer noted that the Applicant “easily achieved all goals”.

44. It follows that the decision to revise the Applicant’s ToRs is lawful as the

A(8585.3Tm0J2.s0 1 99.408 565.13 Tm0 in )28(the .0000c811wW\*BT/F1 12 Tf1 0 0 1 99.408 565.13 Tm