

UNDT/2012/170, Branche

UNAT Held or UNDT Pronouncements

The IAMA requires the receiving organization to recognize a staff member's service in the releasing organization for "credit" purposes. However, it does not require it to consider that the performance of the contract in the releasing organization was undertaken in a setting other than in its original one. It cannot be considered that the Applicant's contract was, prior to joining the United Nations, either under the control of the Secretary-General of the United Nations or that the Applicant had to previously answer to the United Nations staff rules. Therefore, the Applicant does not meet the eligibility criteria for conversion to permanent appointment seeing that she had not completed five years of "continuous service on fixed-term appointments under the 100 series of the [United Nations] Staff Rules".

Decision Contested or Judgment/Order Appealed

The Applicant appeals the decision by the Department of Management that her prior service at the International Labour Organization ("ILO") cannot be taken into account as part of the computation of whether she had accumulated the minimum 5 years of service under United Nations staff rules on a 100 series contract for consideration for conversion of her fixed-term appointment to a permanent appointment under ST/SGB/2009/10 seeing that art 5.1 of the Inter-Agency Mobility Agreement ("IAMA") states that "Service in the Releasing Organization shall be counted for all purposes, including credit towards within-grade increments, as if it had been made in the Receiving Organization...".

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Branche

Entity

ILO

Case Number(s)

UNDT/NY/2010/099

Tribunal

UNDT

Registry

New York

Date of Judgement

7 Nov 2012

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Permanent appointment

Applicable Law

Laws of other entities (rules, regulations etc.)

Secretary-General's bulletins

- ST/SGB/2009/1
- ST/SGB/2009/6