

UNDT/2020/142, Williams

UNAT Held or UNDT Pronouncements

The legal issue for determination in the present case is whether UNOPS was under an obligation to extend a fixed-term appointment for the sole purpose of allowing a staff member to utilize his or her sick leave entitlement. The answer is negative, as the Tribunal found that there was no evidence in the case file to conclude that the legal framework of UNOPS included such obligation. Neither Staff rule 6.2(a) nor UNOPS Operational Directive OD.PCG.2017.01 on Human Resources, Ethics and Culture (in effect as of 15 August 2017) contain any obligation for the Administration to extend a staff member's appointment for the sole purpose of enabling him or her to utilize his or her sick leave entitlement. Even assuming that the information given to the Applicant by a UNOPS Manager could amount to a promise of extension of his fixed-term appointment during the duration of his sick leave, the Tribunal found that UNOPS cannot abide by an act that is outside the remit of its own policies.

Decision Contested or Judgment/Order Appealed

The Applicant contests the decision not to extend his appointment and not to pay him his salary and other emoluments from 1 January 2018 to 1 March 2018 while he was on service-incurred certified sick leave.

Legal Principle(s)

Fixed-term appointments do not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service, and shall expire automatically and without prior notice on the expiration date specified in the letter of appointment.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Williams

Entity

UNOPS

Case Number(s)

UNDT/GVA/2018/115

Tribunal

UNDT

Registry

Geneva

Date of Judgement

10 Aug 2020

Duty Judge

Judge Buffa

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Separation from service

Applicable Law

Other UN issuances (guidelines, policies etc.)

- UNOPS Operational Directive OD.PCG.2017.01 on Human Resources

Staff Rules

- Rule 6.2(a)
- Rule 9.6(i)

Related Judgments and Orders

2013-UNAT-367