

UNDT/2021/015, Gonzalez Vasquez

UNAT Held or UNDT Pronouncements

In plain English, the term “net base salary”, does not have any meaning on its own, and no authoritative definition is found in the relevant legal framework or the employment contract. The purpose of post adjustment is to ensure equity in purchasing power of staff members across duty stations. Net base salary represents the minimum, or floor remuneration payable, is defined as gross base salary minus staff assessment, and does not include post adjustment.

Decision Contested or Judgment/Order Appealed

The methodology used when deciding to place her at step 1 at the P-2 level after being promoted from the G-6 level, step 11, arguing that post adjustment should not be part of the calculation of her net base salary.

Legal Principle(s)

The first step of the interpretation of any kind of rules, worldwide, consists of paying attention to the literal terms of the norm. No legal definition of “net base salary” is provided anywhere. Also, the term, “net base salary”, is nowhere used in the Applicant’s contract, which under the heading, “Salary and Allowances”, instead refers to: “[p]ensionable remuneration”, “[g]ross base salary”, “[n]et salary after deduction of Staff Assessment”, and “[p]ost adjustment”.

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Gonzalez Vasquez

Entity

DOS

Case Number(s)

UNDT/NY/2019/097

Tribunal

UNDT

Registry

New York

Date of Judgement

26 Feb 2021

Duty Judge

Judge Adda

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Benefits and entitlements

Salary

Applicable Law

Other UN issuances (guidelines, policies etc.)

Staff Rules

UNDT Statute

- Article 10.5(a)

Related Judgments and Orders

2012-UNAT-225

2020-UNAT-1021

2010-UNAT-076

UNDT/2017/097

2018-UNAT-840

UNDT/2018/050

UNDT/2010/043