

2013-UNAT-372, Branche

UNAT Held or UNDT Pronouncements

The Tribunal, referring to O'Hanlon, (which was not before the UNDT), stated that, "This Tribunal interpreted the Inter-Organisation Agreement Concerning Transfer, Secondment or Loan of Staff Among the Organisations Applying the United Nations Common System of Salaries and Allowances to require that service in the releasing Organisation will be counted as service in the receiving Organisation. The Inter-Organisation Agreement interpreted that O'Hanlon was remarkably similar to Article 5. 1 of the IAMA, which pertains to service credits for staff who transfer under the IAMA. Under the rationale of O'Hanlon, the Appellant's service credits "for all purposes". ... thus the Appellant's service with the ILO must be counted" UNAT reversed UNDT's judgment and remanded the case to the Administration to consider whether the Appellant met the criteria for conversion to permanent appointment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision that she was not eligible for conversion to a permanent appointment, on the basis that her service at The Internal Labour Organisation (ILO), (Over 6 years), did not count towards the five years continuous service rule. UNDT dismissed her application and concluded that whilst her service with the UN Secretariat, (2 years, 2 months), counted, her service at ILO did not.

Legal Principle(s)

A permanent appointment may be granted after taking into account of all the interests of the Organisation and eligible staff members who, by their qualifications, performance and conduct, have fully demonstrated their suitability as international civil servants and have shown they meet the highest standards of efficiency, competence and integrity established in the Charter. Upon completion of five years of continuous service on fixed-term appointments, (Including service outside the UN

Secretariat, in Organisations that are part of the Inter-Agency Mobility Award (IAMA), a staff member who has fully met the criteria of staff regulation 4. 2, and who is under the age of fifty-three years, will be given every reasonable consideration for a permanent appointment, while taking into account all the interests of the Organisation.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Branche

Entity

ILO

Case Number(s)

2012-423

Tribunal

UNAT

Registry

New York

Date of Judgement

17 Oct 2013

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Permanent appointment

Applicable Law

Secretary-General's bulletins

- ST/SGB/2009/10

Staff Rules

- Rule 104.12(b)(iii)
- Rule 104.13
- Rule 4.9(a)

Related Judgments and Orders

UNDT/2012/170

2013-UNAT-303