

2014-UNAT-447, Terragnolo

UNAT Held or UNDT Pronouncements

The first issue UNAT considered was whether UNDT erred in applying ST/AI/2010/3 to the selection of staff for the G-7 post and UNAT found that UNDT did not err in this regard. UNAT noted that the language of paragraph 14 of the Memorandum of Understanding With Respect to United Nations Personnel Procedures Application to the UN Joint Staff Pension Fund requires that “[t]he General Service staff of the [Pension] Fund secretariat shall be appointed and promoted through the normal [United Nations appointment and promotion] procedures, according to the policies applicable at the duty stations in which the UNJSPF staff serve. ” UNAT also found that UNDT correctly applied ST/AI/2010/3 in holding that the UN Charter and the Universal Declaration of Human Rights do not prevent the Administration from attaching minimum requirements for education and work experience to posts as this would conflict with the Charter’s paramount goal of having an efficient and competent workforce and would lead to dangerous situations in which unskilled and inexperienced individuals could fill posts for which they do not have the proper expertise. Secondly, UNAT considered whether UNDT erred in finding that the Appellant did not seek an exception to Section 6.1 and held that UNDT did not err in this regard. UNAT noted that the request was not made in a timely fashion and that the Appellant did not otherwise meet the eligibility requirements for the post. UNAT further noted that Staff Rule 12.3(b) allows for an exception to the Staff Rules only when it is “not prejudicial to the interests of any other staff member or group of staff members. ” UNAT held that the interests of other staff members applying for the post would have been prejudiced if an exception had been made for the Appellant. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant challenged a decision denying him eligibility to be considered for the post. UNDT found that the Applicant was not eligible for the relevant post and noted that he did not formally request an exception to Section 6. 1 of ST/AI/2010/3 in

advance of applying for the post.

Legal Principle(s)

The General Service staff of the UNJSPF Secretariat shall be appointed and promoted through the normal UN appointment and promotion procedures, according to the policies applicable at the duty stations in which the UNJSPF staff serve.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Terragnolo

Entity

UNJSPF

Case Number(s)

2013-516

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Jun 2014

President Judge

Judge Chapman

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Eligibility

Applicable Law

Administrative Instructions

- ST/AI/2010/3

Staff Rules

- Rule 12.3(b)

Related Judgments and Orders

UNDT/2013/098

2011-UNAT-109

2012-UNAT-270