

2016-UNAT-622, Aly et al.

UNAT Held or UNDT Pronouncements

UNAT affirmed UNDT's rescission of the decision to maintain the classification, reaffirming the right of staff members to request reclassification when the duties and responsibilities of their posts changed substantially as a result of restructuring within their office. However, UNAT reversed UNDT's order to remand the case to the Administration, stating that a second remand was unviable and unfair having regard to the fact that the protracted classification review process was mainly due to the reluctance and failure of management to follow their own rules, regulations and administrative instructions. UNAT held that the majority of the applicants had already retired so a remand could not offer an effective remedy. Instead, UNAT awarded each appellant compensation equivalent to three years' net base salary. In light of the particularly egregious circumstances of the case and the accumulation of aggravating factors, UNAT held that the increased award, exceptionally exceeding the equivalent of two years' net base salary pursuant to Article 9(1)(b) of UNAT's Statute, was justified.

Decision Contested or Judgment/Order Appealed

A group of staff members claimed that the reorganization of their section had led to an increase in their functions and responsibilities, without commensurate reclassification of their posts. They filed an application with UNDT contesting the post reclassification decisions made by the Assistant Secretary-General, Office of Human Resources Management (ASG/OHRM) which had not resulted in the reclassification of their posts. UNDT rescinded ASG/OHRM's decision and remanded the case to the Administration for classification decisions.

Legal Principle(s)

Compensation for harm may exceed two years' net base salary in exceptional cases, such as particularly egregious circumstances of a case and aggravating factors. Staff members have the right to request reclassification when the duties and responsibilities of their posts changed substantially.

Outcome

Appeal granted in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Aly et al.

Entity

DGACM

Case Number(s)

2015-725

Tribunal

UNAT

Registry

New York

Date of Judgement

24 Mar 2016

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Classification (post)

Compensation

Evidence of harm

Maximum amount / exceptional circumstances

Reassignment or transfer

Restructuring

Remedies

Compensation (see also, Compensation)

Salary

Post-adjustment

Applicable Law

Administrative Instructions

- ST/AI/1998/9

Agreements, conventions, treaties (etc.)

UNAT Statute

- Article 9.1

UNDT Statute

- Article 10.5

Related Judgments and Orders

UNDT/2015/031

2010-UNAT-062

2010-UNAT-009

2014-UNAT-399

2011-UNAT-105

UNDT/2010/064

2011-UNAT-107

2010-UNAT-030