

2020-UNAT-1030, Applicant

UNAT Held or UNDT Pronouncements

UNAT held that there was no legal basis to conclude that subjecting the Appellant to the managerial or supervisory authority of the director was unlawful. UNAT held that the decision to refuse a proposed restructuring of the line of supervision to accommodate the Appellant rested on rational legitimate concerns about the managerial prerogative, structural coherence, and institutional integrity. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

After the Applicant had filed a harassment complaint against a director in his office, an investigation found that the evidence was not sufficient to justify the institution of disciplinary proceedings against the director, but merely warranted managerial action. The Applicant contested the Administration's decision not to relieve the director of any of the director's managerial or supervisory responsibilities over him.

Legal Principle(s)

The power to prescribe the institutional hierarchy and performance standards is an integral part of managerial prerogative and the Administration's broader right to manage. Tribunals are expected to observe a measure of deference to managerial authority in setting organizational practices, work standards, and reporting lines.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

OIOS

Case Number(s)

2019-1330

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Jun 2020

President Judge

Judge Murphy

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Performance management

Performance evaluation

Applicable Law

Administrative Instructions

- ST/AI/2010/5

GA Resolutions

Secretary-General's bulletins

- ST/SGB/2002/7

Staff Regulations

- Regulation 1.2(c)

UN Charter

- Article 97

UNDT Statute

- Article 2.1

Related Judgments and Orders

UNDT/2019/142

UNDT/2019/129