



UNITED NATIONS DISPUTE TRIBUNAL

Original: English

Introduction

1. On 15 May 2008, the applicant lodged an appeal with the United Nations Administrative Tribunal against an administrative decision that was communicated to her on 1 February 2007 by the then Assistant Secretary-General for Human Resources Management, informing the applicant that her appeal in relation to the reclassification of her post had been unsuccessful following consideration of the report and recommendation by the New York General Service Classification Appeals and Review Committee (the Committee). This matter was transferred to the Dispute Tribunal for adjudication as of 1 January 2010.

Background

2. On 31 July 2003, the applicant retired from service with the Economic and Social Commission for Asia and the Pacific (ESCAP) at the G-5 level. She had been working as a Professional Assistant in the Agriculture and Rural Development Division of ESCAP from 1 August 1990. It should be noted that in the course of her employment she worked in two different posts and given the change in functions and the fact that her actual duties had not been properly reflected in her job description, her applications for reclassification were successful on two previous occasions, initially from the G-3 level to the G-4 and subsequently to the G-5 level.

3. By joint submission of 18 May 2010, the parties agreed that an oral hearing was not necessary.

Applicant's case

4.

was not mentioned in her job description. She argues that if this important aspect of her work was properly reflected in her job description in a timely manner she would have been classified at a higher grade.

the classification analysis shall be conducted independently by two classification or human resources officers on the basis of the classification standards set in section 3 below...

9. Section 3, which deals with classification standards, provides as follows:

Posts shall be classified:

a) In accordance with the applicable classification standards established by the International Civil Service Commission . . . for posts in the General Service and related categories at the duty station concerned,

...

10. Section 5 provides for an appeal either by the head of the organisational unit or the incumbent of the post.

- 11.

irrational in the sense of not being supported by the evidence before it? It is not appropriate for the Tribunal to substitute judgment for that of a properly constituted Committee that addressed itself fully in terms of the principles and the evidence applicable to reclassification decisions. In considering such complaints, the Tribunal does not sit as an expert review body on classification of posts. However, the Tribunal does have power and, indeed, a duty to consider whether the Committee acted unfairly or in any way improperly. Furthermore, the Tribunal has the power and duty to examine whether there was a failure or omission or deliberate refusal on the part of the Assistant Secretary-General, acting under the delegated authority of the Secretary-General, to give effect to the substance of the report and recommendations of the Committee.

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16. Whilst it is correct that the applicant's description at the time did not make such specific reference to her responsibilities relating to the CDS/ISIS databases, the applicant is incorrect in advancing the argument that the Committee did not have before it evidence that her work involved the use of such a computerised system. The Committee was therefore aware of this aspect of the applicant's duties when they made their final report and recommendation.

17. The Committee submitted its report dated 1 February 2007 to the Assistant Secretary-General for Human Resources Management. After reviewing the factual background the report concluded as follows:

The Committee deemed from the evidence presented that there is no significant information to conclude that a restructuring has substantially affected the duties and responsibilities of the post.

The conclusions and recommendations of the Committee are expressed at paragraph 7 in the following terms:

Accordingly, having reviewed the available documentation including the staff member's work plan for the 2002-2003 cycle, the Committee did not find a significant justification to support this appeal. The Committee therefore recommends no further action on this case.

18. The Assistant Secretary-General wrote to the applicant on 1 February 2007, stating that the Committee's recommendation was accepted.

Conclusion

19. The documentary evidence before the Tribunal indicates that the Committee gave full consideration to the evidence and had followed the prescribed procedures. There is no evidence that the Committee failed to take into account any matter of substance that it ought to have taken into account. Furthermore there is no evidence that the Committee took into account any improper or impermissible considerations. Their report and recommendation does not support any argument of irrationality either in the procedures adopted or the conclusions reached. There is no cogent

evidence in support of the applicant's contention that she was denied due process and treated unfairly. In the circumstances, this application fails and is dismissed.

(Signed)

Judge Meeran

Dated this 4th day of August 2010

Entered in the Register on this 4th day of August 2010

(Signed)

Hafida Lahiouel, Registrar, New York