



## **Introduction**

1. The Applicant contests his non-selection for a post of Senior Reviser/Project Manager with the Department for General Assembly and Conference Management
2. For the reasons below, the Tribunal

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*Ljungdell* 2012-UNAT-265, para. 30).

6. As the Appeals Tribunal reiterated in *Lemonnier* 2017-UNAT-762, citing *Rolland* 2011-UNAT-122,

in *Rolland* that if the management is able to minimally show that the applicant's candidature was given a full and fair consideration, the burden of proof shifts to the

agreed among the services before publication. The Tribunal appreciates no ulterior motive in the design of these job descriptions.

10. The Applicant further claims that it is trite law that requirements differing from those in a generic job profile must be seen as necessary or desirable for the particular post and are only permitted if the drafters of the vacancy announcement are not influenced by ulterior factors.

11. While the absence of ulterior motives is a requirement for any administrative decision to be legal, the Tribunal finds that the limitations identified by the Applicant with respect to the job-specific job openings are not reflected in the legal framework. Indeed, sec. 4.2 of ST/AI/2010/3 (Staff selection system) provides as follows:

Position-specific job openings shall be included in the compendium when: (a) A new position is established or an existing position is reclassified; (b) The incumbent separates from service; (c) The incumbent is selected for another position under the provisions of this instruction or as a result of a lateral reassignment by the head of department/office within that department or office.

12. The Respondent has properly explained how the positions of Senior Reviser/Project Manager were new positions created at the wake of the reorganiz0110(of)-6( )10(the )12(r)-

13. With respect to the written assessment, the Respondent states that the Applicant failed the test and his performance in the oral interview was therefore not taken into consideration.

14. The Tribunal has reviewed the email communications among different translation sections of February 2019 which show that the written assessment methodology was the result of a discussion among the services and that the same assessment was used for the vacancies in the different services. The Tribunal does not find any evidence that the assessment method was designed to favor or disadvantage any of the candidates.

15.

Tribunal reviewed the final report of the assessment panel showing that the Applicant was graded as partially satisfactory. The individual notes from the members of the recruitment panel show

satisfied that the Applicant was graded fairly and failed the written assessment.

16. The Applicant further argues that he meets and exceeds all the educational and work experience requirements for the position while the selected candidate had substantially lower qualifications.

17. As discussed above, the Applicant was not invited to participate further in the selection exercise because he failed the written assessment. This reason has been found to be supported by the evidence. Accordingly, the qualifications of the selected candidate, for the purposes of this appeal, are irrelevant given that the Applicant was afforded fair and full consideration.

18. In light of the above, the Tribunal is satisfied that the Respondent has shown that the procedural requirements in the selection process were fulfilled. The evidence job description and written assessment were agreed among the translation services based on the exigencies of the service and that the Applicant was fairly graded in the written assessment, which he failed. Accordingly, the Tribunal finds the contested decision lawful.

### **Conclusion**

19. In light of the foregoing, the application is rejected.