



Case No.: UNDT/NY/2010/078

Order No.: 156 (NY/2010)

Date: 18 June 2010

Introduction

1. On 11 June 2010, the applicant filed an application under art. 2.2 of the Statute (suspension of action pending management evaluation) for suspending a decision to appoint a candidate other than him (a psychiatric nurse practitioner) to the post of Staff Counsellor at the P-4 level in the Medical Services Division (MSD) in New York and generally challenging the selection process for this post. On 15 June 2010, the respondent filed and served its reply opposing the application. On 16 June 2010, a hearing was held at the premises of the Dispute Tribunal in New York. The applicant participated in the hearing by mobile phone from Liberia, where he currently serves at the UN mission (UNMIL) as Chief of the Staff Counseling Unit.

Facts

2. On 4 February 2010, a vacancy announcement (VA) 10-HRE-DM OHRM-423381-R-New York (G) for the position of Staff Counsellor, P-4 was posted on Galaxy, the online UN jobsite. This VA was later withdrawn on 10 February 2010, then reposted under a different reference (10-HRE-DM OHRM-423926-R-New York (G)) on 4 March 2010. The applicant contends that the new VA was altered to include as a qualification “Advanced Practice Psychiatric Nursing” contrary to previous practice for such a position. This, he says, indicates manipulation of the selection process to favour the successful candidate and exclude fair consideration of other more qualified candidates including himself. According to the respondent, however, the Office of Human Resources Management (OHRM) informed the relevant Programme Case Officer (PCO) that this VA had been posted in error as the evaluation criteria had not been approved by the Central Review Committee (CRC) as required by ST/SGB/2002/6, and the VA was therefore cancelled following which the CRC approved the evaluation criteria. The respondent contends that the only change to this VA was that under the “Other Skills” section, where the words “knowledge of” replaced the words “proficiency in”.

3. According to the respondent, on 6 April 2010, the PCO was informed by OHRM that there were two eligible candidates at the 30-day mark, who were both interviewed on 20 April 2010, no eligible candidates having been identified at the 15-day mark. The panel unanimously found one candidate to be qualified and suitable for the post and determined that she should be recommended. The outcome of the interviews was then forwarded to the Assistant Secretary-General, OHRM and the Under-Secretary-General for Management.

4. On 5 May 2010, when the applicant contacted OHRM to enquire about his standing in the selection process, his application was reviewed and it was discovered that he had been originally misclassified as a 60-day candidate. His eligibility was changed to a 30-day candidate, and the PCO and the applicant were informed accordingly. The recruitment process was suspended, and the applicant was interviewed on 11 May 2010, but the interview panel did not find him suitable for the post. The recommendation of the successful candidate was therefore maintained.

5. According to the respondent, the PCO informed the Office of the Assistant Secretary-General, OHRM, on 14 May 2010 that the applicant was not found suitable for the post and that the recommendation of the selected candidate had not changed. On 20 May 2010, the CRC informed MSD that they endorsed the proposal for filling of the vacancy. On 21 May 2010, the successful candidate was officially informed by the Executive Office, OHRM, of her selection to the post.

6. According to the respondent, the applicant was informed on 4 June 2010 that he had not been successful and that another candidate had been selected. According to the applicant, he was never informed that he was unsuccessful or that another candidate had been selected, alleging he only heard about it “through the grapevine”.

Considerations

7. Since the applicant was self-represented, I explained to him in great detail the nature of an application for a suspension of action. I further explained to him at length the three statutory prerequisites that needed to be satisfied under art. 2.2 of the

Statute, namely urgency, prima facie unlawfulness and irreparable harm. I then invited the respondent to address the Tri

IT IS ORDERED THAT —

11. The applicant having withdrawn the application for suspension of action, there is no longer any matter for adjudication.

(Signed)