

Introduction

1. At 4.56 a.m. on 15 April 2013, six Applicants (Mr. Al-Baker; Mr. Correa; Mr. Czczor; Mr. Hampstead; Mr. Kitcher and Mr. Saffir), all of whom are staff members in the Publishing Section, Department of General Assembly and Conference Management (“DGACM”) of the United Nations Secretariat, filed an application for suspension of action, pending management evaluation, of the decision “to temporarily reassign the Applicants from the Publishing Section to the Meetings Services Unit [(“MSU”)] from 15 April to 30 June 2013 to assist in the growing PaperSmart operation and pursuant to alleged work shortage in the Publishing Section due to super storm Sandy”. As part of their submission the Applicants stated that they “have all been told to report to a meeting today, Monday 15 April 2013 at 1.30 pm. regarding their reassignment, which will presumably begin tomorrow 16 April 2013”.

Background

2. On either 10 April 2013 or 12 April 2013, each of the Applicants received a letter from the Acting Head, DGACM stating:

The purpose of this letter is to inform you about your reassignment effective 15 April 2013 through 30 June 2013 from the Publishing Section to the Meetings Servicing Unit in DGACM.

I note that on 9 April 2013 [with one letter stating 10 April 2013], the Director of your Division, Mr Magnus Olafsson discussed the particulars of the assignment with you.

This notice is further to the meeting I convened on Friday, 5 April 2013 with the Publishing Section when I announced such temporary and lateral reassignment through a structured rotation. This will afford all staff an opportunity to gain experience in the scaled-down digital printing and distribution operations, as well as in other areas, both inside the Department and outside.

3. At 3.15 am on 15 April 2013, the Applicants filed a request for management evaluation of the decision to reassign the Applicants in the present case. One hour

continued to perform work for the Publishing Section. Rather, it merely underscores the fact that the contested reassignment is only temporary in nature and that the Applicants were therefore permitted to keep workspace so as to “maintain their close relationship with their colleagues in the Publishing Section”. The Respondent also noted that as of the time of the submission, each of the Applicants had reported to duty at MSU.

Consideration

8. Pursuant to art. 2.2 of the Statute of the Dispute Tribunal, the Tribunal is:

... competent to hear and pass judgement on an application filed by an individual requesting the Dispute Tribunal to suspend during the pendency of the management evaluation, implementation of a contested administrative decision which is the subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in cases of particular urgency, and where its implementation would cause irreparable damage. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.... [emphasis added]

9. It follows from art 2.2 that should a contested decision have already been fully implemented, the Tribunal no longer has

11. As part of their request for suspension of action, the Applicants submitted that the fact that a meeting was scheduled for 1.30 p.m. on 15 April 2013 suggested that the contested decision was only going to be implemented the following day on 16 April 2013. The Applicants further submitted, as part of their urgent additional submission, that aside from the meeting which included a discussion about the details of their new work assignments and a tour of the premises, they did not perform any work for MSU.

12. However, there is nothing before the Tribunal that would suggest that starting at 9.30 a.m. on 15 April 2013, any of the Applicants either continued to, or were required to, do any work for the Publicis Unit. Rather, the evidence before

IT IS ORDERED THAT:

15. The application for suspension of action is rejected.

(Signed)

Judge Alessandra Greceanu

Dated this 16th day of April 2013