

Introduction

1. The Applicant serves as an Administrative Assistant at the United Nations Interim Force in Lebanon (UNIFIL) at the FS-5 level attached [Bottom]Type/Pagination>BDC BT1 0 s2

10. On 27 June 2014, the selected candidate declined the position. Another candidate was offered the position but, on 18 July 2014, also declined the offer.

11. Following the second candidate's decision to decline the position, UNIFIL management decided that the position would be filled from the roster by a staff member appointed on a longer basis and that the recruitment would take place from January 2015. The Applicant was not offered the position.

12. By letters dated 26 and 28 May 2014, 12 June 2014 and 25 June 2014, the Applicant requested management evaluation of the decision concerning her non-selection for the position of Contracts Management Assistant (FS-5), TJO/2014/011, to assess the transparency of the selection process and to assess if events she had described in her request for management evaluation had affected her opportunity for career development.

13. On 27 June 2014, the Applicant received an email from the Management Evaluation Unit (MEU) with a letter attached in reference to her management evaluation request (MER). The letter advised the Applicant on the applicable deadlines for submission of her case to the Dispute Tribunal.

Applicant's case

14. The Applicant's case may be summarized as follows:

a. Section 1 of ST/AI/2010/3 (staff selection system) requires that a selection panel should normally have three members and that the third member be from the work unit from which the job opening is located. She was interviewed in April 2014 by a panel of only two people and even though she passed both the written test and the interview, she was not placed on the roster.

b. It is a requirement that the process be reviewed by the Central Review Board (CRB) to be valid. The Applicant does not know whether this was done. As far as she knows she is currently not on the roster despite going through the process.

c. In the United Nations, it is expected that all candidates appearing before an

b. In accordance with staff regulation 4.3, selection is a competitive process. Staff members have a right to full and fair consideration, however, regardless of qualifications and experience, a staff member has no right to selection ahead of other candidates.

c. Only in extreme circumstances will the Dispute Tribunal rescind a selection exercise. There is a presumption that official acts have been regularly performed. Following a minimal showing by the Administration that the candidacy of a staff member was given full and fair consideration, the burden of proof shifts to the staff member who must be able to show through clear and convincing evidence that he or she was denied a fair chance of appointment.

e. The selection process complied with the procedures set out in ST/AI/2010/4/Rev. 1 (Administration of temporary appointments).

f. The Applicant argued that under section 1(c) of ST/AI/2010/3 the interview panel is normally comprised of at least three staff members. ST/AI/2010/3 does not apply to this selection exercise. It applies to the selection and appointment of staff members for positions established for one year or longer.

g. There is no minimum composition for interview panels for temporary appointments specified in ST/AI/2010/4/Rev. 1. It is within the discretion of the Administration to decide how the interview panel for a temporary position is constituted.

h. Paragraph 4.2.1 of the Standard Operating Procedures (SOPs) on staff selection in United Nations peacekeeping operations states that interviews shall be conducted by a panel of at least two persons for posts up to the P-3/FS-6 level and by a panel of at least three persons for posts at the P-4/FS-7 level and above. Therefore the composition of the interview panel in this case met with both the requirements of ST/AI/2010/4/Rev.1 and the applicable SOPs.

i. Moreover, since the selection exercise was for a temporary position and not a position for 12 months or longer, the exercise was regulated by ST/AI/2010/4/Rev.1 which has no requirement that a selection exercise be reviewed by a CRB or that candidates be placed on a roster.

k. There is no basis for the Applicant's claims that she was discriminated against in the recruitment process. The record in this case demonstrates that her skills and qualifications were fully reviewed and considered by the P180r

