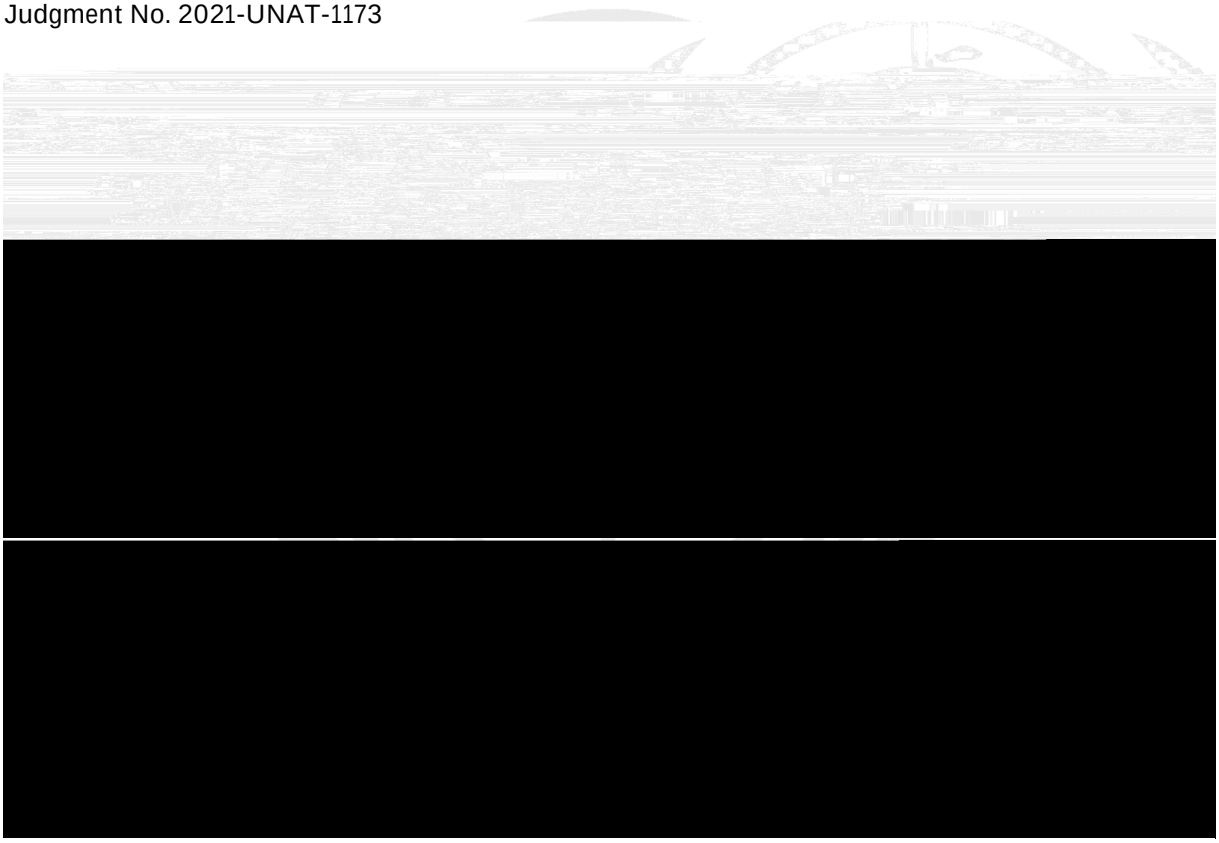

Counsel for Appellant: Robb e !e g"ton# $%!A

Counsel for Respondent: Noam & ener

&UD E (AN) ALDEEP SAND * U+ PRESIDIN .

1. T"e Appellant# t"e former 5ead of *ol 4+ *-6 on a f 7ed-term appo ntment) t" t"e &ater %uppl+ and %an tat on Collaborat /e Coun4 l 8&%%CC or t"e $rgan 9at on: 4ontests t"e de4 s on to term nate or retra4t "er s 4; lea/e result ng n "er separat on) " le on s 4; lea/e.

2. <n ts 10 August 2020 Judgment No. UN2T=2020=101 8<mpugned Judgment:# t"e Un ted Nat ons 2 spute Tr bunal 8UN2T or 2 spute Tr bunal: d sm ssed "er appl 4at on on t"e bas s t"at t"ere) as no obl gat on on t"e $rgan 9at on and t"e Un ted Nat ons $ff 4e for *ro>e4t %er/ 4es 8UN$*%: to e7tend a f 7ed-term appo ntment for t"e sole purpose of allo) ng a staff member to ut l 9e " s or "er s 4; lea/e ent tlement. T"e Appellant appeals and see;s t"e Judgment be /a4ated and t"at "er separat on be found unla) ful. <n t"e alternat /e# t"e Appellant see;s 4ompensat on for 4osts n4urred be4ause of "er separat on) " le on s 4; lea/e. T"e %e4retar+-?eneral re@uests t"e appeal be d sm ssed.

3. -or reasons set out belo) #) e d sm ss t"e appeal.

,act% an$ Pr!ce$-re

0. T"e Appellant) or;ed as t"e 5ead of *ol 4+ for t"e &%%CC# an organ 9at on "osted b+ UN$*% n ?ene/a. At t"e t me of t"e 4ontested de4

THE U

10. <n t"e Judgment# t"e UN2T found t"at 4ontrar+ to t"e Appellant8s 4la ms# t"ere)as no s 4; lea/e to Cterm nate or retra4tE. T"e UN2T determ ned t"at t"e purpose of t"e ,%2 D-ma l)as to 4ert f+ t"e Appellant8s f tness to)or; based on t"e med 4al report s"e "ad subm tted# not to appro/e an+ related absen4e.[2] T"e UN$*% Adm n strat on)ould "a/e "ad to appro/e "er s 4; lea/e# and t"e UN2T found t"at t"ere)as no e/ den4e of su4" appro/al.

16. T"e UN2T "eld t"at UN$*% s under no obl gat on to e7tend a f 7ed-term appo ntment

13. The Appellant submits that she followed the same procedure for requesting sick leave from 20 March to 13 April 2018 past the expiry of her appointment that she had used

The Secretary- eneral'% An%0er

23. T"e Respondent subm ts t"at t"e UN2T 4orre4tl+ "eld t"at t"e UN$*% legal frame)or; d d not obl ge UN$*% to e7tend t"e Appellant's appo ntment n order for "er to ut l 9e "er s 4; lea/e ent tlement.

30. T"e Respondent argues t"at not" ng n t"e)ord ng of %taff Rule 1.2 mandates su4" an e7tens on. T"e Respondent asserts t"at t"e %taff Regulat ons and Rules 4onta n a m+r ad of ent tlements t"at 4ease) t"out spe4 f 4 nstru4t ons follo) ng t"e separat on of t"e staff member.

31. T"e Respondent argues t"at t"e rele/ant UN$*% nstru4t ons on personnel management 8*ro4ess and Jual t+ ,anagement %+stem 8*J ,%:: do not re@u re UN$*% to e7tend t"e appo ntments of staff members on s 4; lea/e. *aragrap" 7.6.10 of t"e *J ,% 4onta ns t"e nstru4t ons related to s 4; lea/e for staff members on f 7ed-term appo ntments and does not obl gate su4" an e7tens on. T"e Respondent argues t"at t"e e7 sten4e of pro/ s ons for e7tens on n t"e pol 4 es of ot"er Un ted Nat ons organs and n pr or UN$*% ssuan4es demonstrates t"at t"e UN$*% D7e4ut /e 2 re4tor e7pl 4 tl+ 4"ose not to n4lude su4" an obl gat on n t"e *J ,%.

32. T"e Respondent subm ts t"e UN2T 4orre4tl+ refra ned from "old ng t"at not e7tend ng t"e appo ntments of staff members on s 4; lea/e)ould den+ staff members t"e

e7pressl+ perm t e7tens on of appo ntment for staff on s 4; lea/e llustrates t"at# absent su4" an adm n strat /e d re4t /e or ssuan4e for UN$*%# su4" an e7tens on 4annot be mpl ed.

01. T"e Appellant rel es on %e4t on 3.1 of %T=A<=1333=11 t"at pro/ des t"at t"e 4ommen4ement of t"e 4ons derat on for d sab l t+ benef ts from t"e UNJ%*- ta;es pla4e)"en a staff member C"as used all " s or "er ent tlement to s 4; lea/e) t" full pa+E. 5o)e/er# t"e te7t uses Cent tlementE. T" s read toget"er) t" %taff Rule 1.28a: 4onf rms t"at t"e s 4; lea/e ent tlement does not outl /e t"e e7p rat on of t"e f 7ed-term appo ntment unless e7pressl+ pro/ ded for.

07. *ursuant to %taff Rule 1.2# t"e %e4retar+-?eneral "as e7er4 sed " s d s4ret on and delegated " s aut"or t+ to establ s" 4ond t ons for t"e adm n strat on of s 4; lea/e for staff members) t" UN$*% to t"e UN$*% D7e4ut /e 2 re4tor 8see %e4retar+-?eneral8s 'ullet n %T=%? '=2003=1 8Aut"or t+ of t"e Un ted Nat ons $ff 4e for *ro>e4t %er/ 4es n matters relat ng to "uman resour4es management::. T"e UN$*% D7e4ut /e 2 re4tor "as establ s"ed a leg slat /e frame)or; for UN$*% la+ ng out and organ 9 ng t"e d fferent t+pes of pol 4 es# nstru4t ons# and gu dan4e do4uments appl 4able to UN$*% 8D7e4ut /e $ff 4e 2 re4t /e Ref. D$2.D2.2013.02:. T"e frame)or; n4ludes $perat onal 2 re4t /es su4" as $perat onal 2 re4t /e $2.*C?.2017.01 t"at outl nes pr n4 ples underp nn ng t"e management of UN$*% personnel.

0A. %e4t on 1.1 of $perat onal 2 re4t /e $2.*C?.2017.01 pro/ des t"e de/elopment and mplementat on of t"e re@u red pro4ess n t"e *J ,%. *aragrap" 7.6.10 of t"e *J ,% 4onta ns nstru4t ons related to s 4; lea/e.

03. None of t"ese pro/ s ons aut"or 9e t"e e7tens on of appo ntments for UN$*% staff members on s 4; lea/e s"ould t"e r appo ntment e7p re or be term nated)" le on s 4; lea/e.

60. As stated n %e4t on 2.1# t"e purposou ted

Cappro/alE of t"e lea/e. T"erefore# t"e , %2 D-ma l does not and 4annot 4onst tute Cappro/alE as t"at 4an onl+ be done b+ t"e Appellant's super/ sor.[10]

61. T"e la4; of response from t"e $rgan 9at on to t"e , %2 D-ma l does not mpl+ appro/al of s 4; lea/e. T"e UN$*% leg slat /e frame)or; s 4lear t"at t"e super/ sor must Cappro/eE t"e s 4; lea/e re@uest. T" s appro/al 4annot be mpl ed from a la4; of response or t"e Appellant's rel an4e on t"e , %2 D-ma l.

62. T"erefore# t"e UN2T d d not err)"en t found t"at t"at Appellant "ad not been granted s 4; lea/e to 13 Apr l 201A t"at t"en)as term nated or retra4ted. &e f nd no mer t n t"e Appellant's subm ss ons t"at t"e UN2T erred n ts Judgment.

&-$2/ ent

63. A44ord ngl+#)e d sm ss t"e appeal.

$r g nal and Aut"or tat /e Fers on: Dngl s"

2ated t" s 23t" da+ of $4tober 2021.

" # $

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