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a. Having had at least 20 years of service within the United Nations
common system;
b. Having five years at the top regular step of the current grade; and
c. Having had satisfactory service.
8. On 1 March 2023, the Applicant contacted the Staff Pay and Benefits
Section (“SPnB”) of the United Nations Office at Nairobi (“UNON”) by email. She
inquired whether she should have received a step increment and progressed to
step 12 after one year of service at the Paris duty station. This inquiry was based on
the Applicant’s understanding that she was entitled to step increments under
GS Salary Scale 120b, which provides for increments up to step 14 with no need to
meet any service period requirement. The Applicant underscores her view that she
was “on board” before 1 January 2000 for purposes of par120b since her EOD date
was in 1994 upon recruitment in Nairobi.
9. On 2 March 2023, an SPnB Human Resource Assistant (“HRA”) responded
to the Applicant agreeing with the Applicant’s interpretation. The HRA wrote:
I note that your next step increment date was correctly ref ㄀̀a next s c฀���y頀㠀mo䵗ae᠀�䀀s ᠀�Ā　1ĕ02Ĕ2023, 耀sࡆe瀀�scrbeĀshot ᠀�rကelȃw. ᠀�倀efore瀀�escada葶噠砓쀀ng 蔀�瀀he case怀�ॕor revie਱, ✀�쀀 憀��䐀t 甀�怀ࡒrious ☀�瀀o 怀sࡆ癖i 憀��娀hether 攀�瀀he怀�increment 憀��娀iཌཌ怀�Ջe 1͑.
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21. On 18 September 2023, SPnB transmitted the above advice from DOS to the
Applicant.
22. On 19 September 2023, the then Management Evaluation Unit found the
Applicant’s request time-barred and thus not receivable. The substance of her case
was therefore not considered.
Submissions
The Applicant’s submissions
23. The Applicant is contesting all administrative decisions communicated to her
by UNON/SPnB and DOS, for refusing to place her on the GS Salary Scale 120(b)
at the Paris duty station and award her a within grade step increment. She contends
that the Administration is in error by arguing that her relevant on-boarding date was
when she was recruited to the Paris duty station on 22 February 2022. She points
out that existing Human Resource Personnel Action records clearly state that she
was recruited into the United Nations Secretariat on 3 May 1994, which remains
her EOD to-date and confirms that she was on board and in service with the
Organization prior to 1 January 2000.
24. The Applicant seeks to differentiate two issues, which the Administration
seems to address together: step increment and a longevity step. The Applicant
maintains that SPnB did not expressly respond to her original request which only
concerned her entitlement to a step increment. They kept focusing/refocusing her
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30. The Respondent further states that there is no single global salary scale for
the General Service category. The Organization’s policy is that recruitment of
GS staff is done locally and that they are not subject to geographic mobility. Salary
scales are based on local prevailing conditions. As stated by the International Civil
Service Commission (“ICSC”) in its February 2022 publication on the
UN Common System, the General Service Category staff “are paid not on the basis
of a single global salary scale, but according to local salary scales established on
the basis of salary surveys”.
31. The Respondent contradicts the Applicant’s interpretation of the Paris scales
that any General Service staff member, recruited anywhere in the world prior to
January 2000 and who has been reassigned to the Paris duty station, should be
subject to the GS Salary Scale 120b that is applicable to General Service staff based
and onboarded in Paris over 23 years ago. Such an interpretation would appear to
extend the framework governing the General Service Salary Scale.
32. The Respondent confirmed that in the case of two staff members referred to
by the Applicant, they were placed on the GS Salary Scale 120b even though, like
the Applicant, having had pre-2000 EODs in Nairobi they transferred from Nairobi
to Paris after the year 2000. However, the Respondent indicated that that took place
based on an error. When the error was detected, some ten years after the fact, the
Respondent decided to allow the two staff members to remain on GS Salary
Scale 120b. This was done “considering the significant period that ha[d] elapsed
between the erroneous decisions, their implementation and their discovery”.
33. On a review of the application and the Respondent’s reply, the Tribunal noted
that GS Salary Scale 120a refers to “staff recruited” after 1 January 2020. There is
nothing about onboarding and the indication about recruitment does not specify
recruitment to Paris. The Respondent had not cited any authority that being placed
on GS Salary Scale 120a or GS Salary Scale 120b depends on when the staff
member came on board in Paris. Although the Applicant cited two precedents of
staff members treated in a different manner, the Respondent did not cite any
precedents of application of its interpretation of GS Salary Scale 120a or GS Salary

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Scale 120b. Rather the Respondent’s case was that the interpretation and the
resulting decision were based on advice from DOS.
34. Accordingly, the Tribunal directed by Order No. 116 (GVA/2024) that in
closing submissions, the Respondent “should in particular address the issue of the
policy document relied on and provide relevant examples of other persons whose
cases were treated in the manner that supports their case”.
35. The Respondent, thereafter, made further submissions reiterating that the
advice from DOS was the basis for the interpretation. The Respondent further
conceded that there were only three cases of staff members similarly circumstanced
as the Applicant.
36. In the above circumstances, the Respondent requests the Tribunal to dismiss
the application.
Consideration
Applicable law
37. Staff rule 3.2(a) provides that:
Satisfactory service for the purpose of awarding a salary step
increment shall be defined, unless otherwise decided by the
Secretary-General in any particular case, by satisfactory
performance and conduct of staff members.
38. Annex 1, para. 7 of the United Nations Staff Regulations and Staff Rules
provides that:
The Secretary-General shall fix the salhe�嬀 tcalesfof staff mefbers
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39. The ICSC publication “UN Common Sy stem of Sa larie s, Allowances, and

Benefits” (February 2022) provides for the General Servi ce category (emphasis

added):

A Salary System

General Service staff are recruited and paid on a local basis. Staff in

the General Service category perform functio ns in areas such as

general administration and office support and programme

management support. A number of other specialized and technical

personnel, such as those engaged in printi ng, building maintenance,

security or laborato ry work may be included in the General Service

category; in some duty stations, there are one or more separate

locally recruited categories for such st aff. The term General Service

category as used in this booklet normally includes all of the above

groups of st aff as their salaries and benefits are determined in a

simi lar manner.

A global job classification standard for the General Service and

related cat egories was promu lgated in 2010. The introduction of this

standard provid es a consi stent framework for comparisons with the

external market by allowing for the establishment of standard

benchmark job descriptions.

Although it is the policy of organizations to recruit General Servic e

personnel locally, there may be certain skills (e.g., li nguistic) that

can be found only outsid e the local area. A staff member recruited

and travelled by the organizatio n from outside the area of the duty

station, who is a national of another country, may be granted non-

local st atus and thereby b ecome eligible for appropriate international

benefits (see section VI.J below).

B. Level of Salaries

General Service staff are recruited to serve at the same duty

station and are not subject to geograph ic mobility. An

underly ing concept of the common systC‱y@ic̀ cthi li ng �Ӱ. A坄�i

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44. The interpretation of a rule is made within the context of the
hierarchy in which the rule appears. A staff member’s appointment
is subject to the Staff Regulations and Rules, and also incorporates
the relevant administrative issuances issued by the Organization. In
general terms, administrative issuances set out instructions and
procedures for the implementation of the Staff Regulations and
Rules. Just as a Staff Rule may not conflict with the Staff Regulation
under which it is made, an administrative issuance may not conflict
with the applicable Staff Regulation or Rule which it implements.

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45. UNAT has further held that in “interpreting a legislative provision … the
principle should be that the words … are to be read in their entire context, in their
grammatical and ordinary sense, harmoniously with the scheme of the legislation,
the object of the legislation and the intention of the legislature,” (Reilly
2019-UNAT-975, para. 33). Moreover, where the occasion warrants, the Tribunals
will also consider whether an administrative decision comports with “the letter or
the spirit” of the applicable legislative provision, (Wilson, 2012-UNAT-235,
para. 13).
46. On a plain reading, the wording of GS Salary Scale 120b provides no basis
for an interpretation of the words “on board” as referring to the time when a staff
member was recruited in Paris as opposed to the Staff Members EOD to the
Organization. Thus, there is no basis, from a reading of GS Salary Scale 120b, to
exclude the Applicant from being considered as “on board” from her 1994 EOD
and thus entitled to be placed on said salary scale. The interpretation that “on board”
in GS Salary Scale 120b refers to the EOD date that is indicated in all the
Applicant’s employment records is the most reasonably probable meaning to be
applied.
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Entered in the Register on this 28
th
 day of October 2024 (Signed)
René M. Vargas M., Registrar, Geneva