

UNITED NATIONS DISPUTE TRIBUNAL

Introduction

1. On 17 September 2018, the Applicant, a Language Service Assistant at the G-4 level, step 2, on a temporary appointment with the Chinese Translation Service, Department for General Assembly and Conference Management, filed an application for suspension of action during management evaluation pursuant to art.

Rules of Procedure, requesting suspension of the [c]ontract non-extension decision [with the last day of service on 19 September 2018] performance evalu .

Factual and procedural background

2. On 20 September 2017, the Applicant joined the United Nations on a six-month temporary appointment as a Language Service Assistant at the G-4 level, step 2, with the Chinese Translation Service, DGACM. The Applican

appointment was renewed on 20 March 2018 through 30 June 2018, and again on 1 July 2018 through 19 September 2018.

3. The Applicant received the Performance Evaluation Form for staff members holding temporary appointments for the initial temporary appointment period of 20 September 2017-19 March 2018, which was signed by the Applicant and

26 March 2018. In the application for suspension of action, the Applicant submitted as follow regarding this performance evaluation (references to annexes omitted):

The First Evaluation: the performance evaluation presents untrue and unsubstantiated information. Therefore, it is biased and unfair.

When I received my first evaluation form (March 2018), I was shocked, because my then FRO, [DY, name redacted], never provided me with any negative 2I

form) which is a lie. In other words, [SRO] played two roles, both FRO and SRO, on my evaluation form. Moreover, after the role-playing, [SRO] did not note the fact that it is himself who wrote the

Chinese Translation Service, [SRO] abused his authority by manipulating my evaluation form, and intentionally gave me a C by

replacing FRO to decide my grade. [SRO] professionalism and mature judgment as the Chief of Chinese Translation Service and my SRO are questionable.

SRO is the Chief of Chinese Translation Service (CTS). In the CTS

good tool, and we should use it wisely. if a staff is not doing good, we should let s/he know as early as possible. Otherwise, staff member will lose a good opportunity to improve. The SRO has done the exact opposite of what he instructed others to do. The performance evaluation has been manipulated as a tool to separate me from [the] UN.

In early February 2018, [SRO] suddenly came to me and demanded that I drop my French class at the UN, with no reason provided. I was

understand why, because I know the UN encourages its staff to learn a

towards me as early as in February. He had decided not to keep me at

5. On 27 June 2018, a P.333 form for the period of 1 April 2018-30 June 2018 was signed by the Applicant, the FRO, and the SRO. In the application for suspension of action, the Applicant submitted as follows regarding this performance evaluation (references to annexes omitted):

The Third Evaluation: [SRO] failed to communicate with me regarding my evaluation before giving me another C, and again as a FRO, [RJ] failed to evaluate my true performance by not providing solid examples that were identified as partially meeting expectation.

On 27 June 2018, I received my third performance evaluation (p.333), which was a C. When I asked the FRO for any examples that led to his conclusions, he said he coul

examples today. I

told [RJ]

to talk, but he told my FRO to assure me that no matter what grade I get, it would not affect my contract renewal. Even though there is no

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12. On 18 September 2018, the Respondent filed his response to the application for suspension of action together with relevant documentation.

13.

Prima facie unlawfulness

a. The three performance evaluations (two P.333 forms and one e-PAS),

including staffing requirements (*Lee* 2014-UNAT-481, para. 28; *Simmons* 2013-UNAT-425, para. 31).

c. The procedures for performance evaluation of staff members are set

n. The Applicant has not established that the contested decision is *prima facie* unlawful. Speculation and arguments are not evidence. The Applicant has not adduced any form of evidence to support her allegations.

o. The FROs (DY and RJ), SRO and XZ

29. The Tribunal considers that even if the Administration interpretation of sec. 6 of ST/AI/2010/4 /Rev.1, in the sense that performance evaluations were to be issued for each period when a temporary appointment is renewed successively, was to be considered correct, after a careful review of performance evaluation documents, the Tribunal concludes that the existing performance evaluation documents suffer from procedural irregularities, including discrepancies and contradictions as presented below.

30. In the P.333 form for the period of September 2017-March 2018, the :
Communication, Planning & Organizing, Creativity, Client Orientation, and
Commitment to Continuous Learning. The Tribunal notes that Teamwork and
The overall rating was
In the comments section, the

31. On the other hand, in the e-PAS(a)40 0 1404C10p76i0600013o 0 1 it20510oowuments,

42. In the circumstances, the Tribunal is satisfied that the condition of irreparable harm is fulfilled.

43. In light of the above,

IT IS ORDERED THAT:

44. The application for suspension of action is granted in relation to the decision temporary appointment due to performance and to separate her from the Organization, and the implementation of this decision is suspended pending management evaluation.

(Signed)

Judge Alessandra Greceanu

Dated this 19th day of September 2018