



## **Introduction**

1. On 28 September 2018, the Applicant filed an application contesting the decision not to extend her temporary appointment as a Language Service Assistant, GS-4, Department of General Assembly and beyond 19 September 2018. Within the application, the Applicant made a motion for interim measures, in which the Applicant seeks the suspension of the implementation of the contested decision pending the proceedings before the Tribunal pursuant to art. 14 of the Statute.

## **Factual and procedural background**

2. On 20 September 20



my FRO, [DY]



the existing evaluations go, and look forward to my future evaluations. Instead of ensuring a fair evaluation process, the SRO plays a role in denying and obstructing my right to rebut. HR office has also told me that as a temporary staff, I am not supposed to have ePas. Creating an ePas for me is not even in the HR framework.

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 motion, 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 performane



not considered as good enough to get a B, because the treatment I get CTS is not fair.

Even though I have received three Cs, and was placed on a PIP, SRO and FRO still allocated a significant amount of new jobs to me from August 1st, 2018. If I am already identified as having difficulties with my current jobs in my hands, and I therefore need to improve myself why am I receiving more new jobs at the same time? This would further deteriorate my work performance and lead to the decrease of quality of work in CTS. If the Chief is a reasonable and accountable manager, he should be aware of these, and avoid giving me more new jobs because this affects the implementation of the PIP, the quality of work at CTS and further decreases my work performance at the same time.



11. On 18 September 2018, the Respondent filed his response to the application for suspension of action.

12. On 19 September 2018, the Tribunal issued Order No. 181 (NY/2018), granting application for suspension of action in relation to the decision not to renew her temporary appointment due to performance and to separate her from the Organization, and suspended the implementation of this decision pending management evaluation.

13. Following temporary appointment was extended until 30 September 2018.

14. On 28 September 2018, UNDT/

extended from 20 to 30 September 2018 pending management evaluation of the contested decision. The Respondent submitted that the appointment expired on 30 September 2018 and she has separated from the Organization.

### **Consideration**

#### *Applicable law*

18. Article

At any time during the proceedings, the Dispute Tribunal may order an interim measure, which is without appeal, to provide temporary relief to



23. T to an appointment, namely the decision not to extend her temporary appointment. Consequently, the second condition identified above is not fulfilled as the issues raised by the Applicant are excluded from being suspended by the Dispute Tribunal.

24. Seeing that at least one of the above-mentioned cumulative conditions is not fulfilled, the Tribunal therefore need not consider whether the remaining requirements, namely temporary relief, *prima facie* unlawfulness, urgency and irreparable damage, are met.

25. In the light of the foregoing,

IT IS ORDERED THAT:

26. The present application for interim measures is rejected.

(Signed)

Judge Alessandra Greceanu

Dated this 4<sup>th</sup> day of October 2018