



Judgment No. 2022-UNAT-1233



Counsel for Respondent/Applicant: Maryam Kamali

Counsel for Appellant/Respondent: George G Irving

10. The UNDT also identified a reference to net base salary in the International Civil Service

THE

23. Ms. Gonzalez Vasquez' assertions that she had a reduced net base salary as a result of passing the G to P exam is not relevant to the application of Staff Rule 3.4(b), because as the UNAdT explained in *Garnett*, the intention of that staff rule is to give the staff member an increase in her remuneration compared to that which she would have received in her former position. Furthermore, such assertions are not even true. While the UNDT was correct in finding that the Judgment in *Garnett* was "only of persuasive value" to the UNDT, it should have analyzed the rationale behind that Judgment carefully to understand the intent behind Staff Rule 3.4(b). In view of the foregoing, the UNDT erred in finding that the Organization had not properly applied Staff Rule 3.4(b) in Ms. Gonzalez Vasquez' case.

24. Moreover, the UNDT's interpretation of Staff Rule 3.4(b) would lead to discrimination against staff at different duty stations. As summarized above, the Administration did not consider the post adjustment component in determining Ms. Gonzalez Vasquez' step at the P-2 level. However, in order to compare two like categories, the Administration had to remove the

26. The Secretary-General requests the UNAT to vacate the Judgment in its entirety.

THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2022-UNAT-1233

34.

THE UNITED NATIONS APPEALS T

being significantly variable between posts in different parts of the world. So, it follows that while it is possible, it is also unfair and even pointless, to compare in an unrefined way, a GS staff member's remuneration to a P category staff member's.

41. The UNDT identified the two contentious elements in the case as being, first, the definition of the phrase "net base salary" and, second, whether the relevant post adjustment applicabla

pension contributions, medical insurance premiums and the like) will be deducted from the base salary to calculate the staff member's net base salary in her previous GS position.

45. Next, we move to the comparator methodology issue.

46. As the full Appeals Tribunal has recently decided, the P category post adjustment element of a staff member's remuneration is an amount that is .4 (f)9 (s)1m57 (s re)-3.1 (c)0.-3.1 (c)unerati

4
U
3
B
(
7
5

that as a general rule post adjustments are factors in calculating Professional category salaries.

Furthermore, the obvious purpose of Staff Rule 103.9 is to ensure that a staff member shall not suffer financially by reason of a promotion. It provides in effect that

form) governed the question. The parties in that case 0.004/TT3 10 15 acts 0.3.1 (0.18 mid 2 a q 6 b e 3 0 Th ((t

58.

62. The Secretary-