

# **UNDT/2010/088, Taconet**

## UNAT Held or UNDT Pronouncements

In accordance with ST/AI/234/Rev.1, setting the normal number of working hours per week is a matter within the authority of the Executive Director of UNEP. Thus when he initially decided not to reduce the normal working hours in Paris, the Executive Director of UNEP acted within his discretionary authority. Since the applicants were legally required to work 40 hours per week from January 2006 to March 2007, their claim for 2.5 hours of overtime per week during that period is without merit. The applicants alleged discrimination, arbitrariness and bad faith on the part of the Administration in the consideration of their requests. The Tribunal reiterated that the burden of proof rests with the party making such allegations. Outcome: The application was rejected.

## Decision Contested or Judgment/Order Appealed

The applicants are 29 General Service staff members working for UNEP in Paris. In January 2006, UNESCO, the UN lead agency in France, reduced the normal working week from 40 to 37.5 hours. At the time, UNEP rejected the applicants' request to adjust their working hours to those adopted by UNESCO. Eventually, in March 2007, the Executive Director of UNEP decided to reduce the normal workweek in Paris from 40 to 37.5 hours. The applicants then requested that UNEP pay them retroactively the overtime they considered to have worked between January 2006 and March 2007 by working 40 hours per week instead of 37.5. UNEP rejected their request. This is the contested decision. The JAB and the Secretary-General rejected the appeal. The applicants then brought the matter before the former UNAT.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Taconet

## Entity

UNEP

## Case Number(s)

UNDT/GVA/2010/051

## Tribunal

UNDT

## Registry

Geneva

## Date of Judgement

6 May 2010

## Duty Judge

Judge Cousin

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Benefits and entitlements

## Applicable Law

Administrative Instructions

- ST/AI/234/Rev.1
- ST/AI/234/Rev.1/Amend.1

Former Staff Rules

- Rule 101.4(a)