

UNDT/2013/011, Bauza Mercere

UNAT Held or UNDT Pronouncements

The new system consists of a modernization of the system in place and does not change the staff members pre-existing obligation to accurately reflect their working hours. The Applicant has not provided the Tribunal with any persuasive arguments that would result in it to consider that the implementation of the Flex Time System infringed on either his contract of employment or his terms of appointment. The implementation of a practice, which is used to address specific needs of a department, does not become discriminatory solely due to the fact that other departments within the Organization do not require it. The Tribunal decides that the application is not receivable *ratione materiae*.

Decision Contested or Judgment/Order Appealed

The Applicant contests the implementation by the Department of General Assembly and Conference Management (“DGACM”) of the decision to replace a paper based recording system that kept track of staff members’ time and attendance with an electronic one named “Flex Time System”.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Bauza Mercere

Entity

DGACM

Case Number(s)

UNDT/NY/2011/001

Tribunal

UNDT

Registry

New York

Date of Judgement

28 Jan 2013

Duty Judge

Judge Greceanu

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

TEST -Rename- Benefits and entitlements-45

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Applicable Law
Administrative Instructions

- ST/AI/1999/13
- ST/AI/408

Secretary-General's bulletins

- ST/SGB/2003/4
- ST/SGB/274

Staff Rules

- Rule 1.5(a)

UNDT Statute

- Article 2.2

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders

UNDT/2010/009

UNDT/2010/026

UNDT/2011/139

UNDT/2012/036

2010-UNAT-058