

UNDT/2023/055 , Goldenberg

UNAT Held or UNDT Pronouncements

The Tribunal found that it was not unreasonable nor unlawful to require the Applicant to work from the office for two days per week. The Administration, therefore, properly exercised its discretion in declining the Applicant's request to work from home for the entire work week. The Tribunal took note that the Applicant had been able to work remotely on a full-time basis from March 2020 to December 2022 and that there was an operational need for the Applicant to return to work. The Director reasonably, weighed this operational fact against allowing the Applicant to telecommute for the entire work week, as opposed to spending two days per week in the office.

Decision Contested or Judgment/Order Appealed

The Applicant contested the advice provided by the Division of Healthcare Management and Occupational Safety and Health ("DHMOSH") regarding her request to telecommute for five days per week due to personal and medical circumstances.

Legal Principle(s)

The Tribunal noted that the FWA policy was essentially enacted to allow for flexibility for staff members' healthier work-life balance and also to support staff members who are experiencing difficult personal circumstances. While it is true that the difficult personal circumstances are anticipated to be generally unexpected and temporary in nature, managers do have an obligation to apply a good-faith approach in exercising their discretion (see, for instance, Jafari 2019-UNAT-927).

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Goldenberg

Entity

UNJSPF

Case Number(s)

UNDT/NY/2022/034

Tribunal

UNDT

Registry

New York

Date of Judgement

14 Jun 2023

Duty Judge

Judge Hunter Jr.

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Education grant

TEST -Rename- Benefits and entitlements-45

Applicable Law

Secretary-General's bulletins

- ST/SGB/2019/3

Secretary-General's Bulletins

Related Judgments and Orders

2010-UNAT-084

2019-UNAT-927

2017-UNAT-733