



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2020/036  
Order No.: 126 (NY/2020)  
Date: 20 August 2020  
Original: English

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**Before:** Duty Judge  
**Registry:** New York  
**Registrar:** Nerea Suero Fontecha

NOBLE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON APPLICATION FOR SUSPENSION  
OF ACTION PENDING  
MANAGEMENT EVALUATION**

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**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**  
Nusrat Chagtai, ALD/OHR, UN Secretariat

## **Introduction**

1. On 13 August 2020, the Applicant, a Senior Security Officer with the Safety and Security Service (“SSS”), Department of Safety and Security (“DSS”) in New York, filed an application requesting urgent relief under art. 2.2 of the Dispute Tribunal’s Statute and art. 13 of its Rules of Procedure seeking to suspend, pending management evaluation, the decision to charge 1.5 days of leave per 12-hour shift that he was absent.

2. On 18 August 2020, the Respondent filed a reply.

## **Factual background**

3. On 16 March 2020, the Chief of SSS informed all SSS staff in New York that due to the COVID-19 pandemic and the closure of offices at Headquarters, the normal work schedule for SSS security officers would be suspended effective 18 March 2020. A new schedule was introduced consisting of a squad system divided into three-day squads and three-night squads with each squad working three consecutive days of a 12-hour shift, followed by six days during which they were not required to come to work. The security officers were scheduled to telecommute the remainder of 40 hours per week.

4. Between 30 March and 16 April 2020, the Applicant went on certified sick leave. During this time, the Applicant was scheduled to work six days of 12-hour shift on site and to telecommute three days of 4-hour shift.

5. On 28 May 2020, DSS informed the Applicant that for the period of sick leave between 30 March and 16 April 2020, the Applicant was charged 1.5 days of leave per 12-hour shift that he was absent and 0.5 day of leave per 4-hour shift that he was absent, which amounted to 10.5 days in total.

6. The Applicant disagreed with the decision to charge 1.5 days of leave per 12-hour shift and there were several email exchanges between the Applicant and DSS throughout June 2020.

7. On 6 August 2020, the Executive Officer of DSS wrote, “[the Office of Human Resources (“OHR”)] has agreed to the “grace period” and as such, from 15 August 2020, absences of 12 hours will be recorded as 1.5 days, in the same way that absences for 4 hours are recorded as 0.5 day”.

8. On 7 August 2020, in response, the Applicant sought clarification as to whether the security officers already charged with 1.5 days of leave for their absence on 12-hour shift will be reimbursed.

### **Consideration**

9. In his reply, the Respondent submits that the application is moot since DSS has informed the Respondent’s Counsel that the Applicant will be credited the disputed leave days up until 15 August 2020.

10. The Tribunal notes DSS’s statement that the Applicant will be credited the disputed leave and agrees that, this being the case, the contested decision is rendered moot. Accordingly, the Tribunal decides to reject the application.

IT IS ORDERED THAT:

11. In light of the above, the Tribunal rejects the application.

*(Signed)*

Judge Teresa Maria da Silva Bravo (Duty Judge)

Dated this 20<sup>th</sup> day of August 2020