

United Nations  Nations Unies

INTEROFFICE MEMORANDUM

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UNITED NATIONS OFFICE AT NAIROBI  
HUMAN RESOURCES MANAGEMENT SERVICE

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**Information Circular**

UNON/IC/2015/07

To: All Staff

Date: 06 July 2015

From: Alexander Barabanov, Director, DAS

**Subject: Official Hours of Work, Overtime, Compensatory Time Off  
and Night Differential at the Nairobi, Kenya Duty Station**

1. The purpose of the present circular is to provide details on the official hours of work; the conditions governing overtime, compensatory time off and night differential; as well as special provisions for staff on shift work schedules.

Official hours of work

**Monday – Thursday**

8:00 a.m. – 4:30 p.m., with an interruption of 45 minutes for lunch

Or

8:30 a.m. – 5:00 p.m., with an interruption of 45 minutes for lunch

**Friday**

8:00 a.m. – 2:00 p.m., excluding a lunch break

Or

8:30 a.m. – 2:30 p.m., excluding a lunch break

2. Lunch breaks should be taken between 12 noon and 2:00 p.m. The hours to be worked in a regular work week are therefore thirty-seven (37) hours.

3. It should be noted that the 37-hour work week was used for the salary setting for all locally recruited UN staff in Kenya and any changes thereto would have an effect on the related salary scales.

**Conditions governing compensation for overtime work**

4. Pursuant to staff rule 3.11 staff members in the General Service category who are required to work overtime shall be given compensatory time off or may receive additional payment in accordance with the following provisions:

- new*
- (i) Overtime means time worked in excess of the scheduled work day or in excess of the scheduled work week or time worked on official holidays, provided that such work has been authorized by the proper authority.
  - (ii) The scheduled work day means the duration of the working hours in effect at the time on any day of the scheduled work week, less the authorized lunch break.
  - (iii) The scheduled work week consists of the five working days assigned to the staff member during seven consecutive calendar days.
  - (iv) Compensation shall take the form of an equal amount of compensatory time off for overtime in excess of the scheduled work day up to a total of eight hours of work on the same day. Subject to the exigencies of the service, such compensatory time off may be given at any time during the four months following the month in which the overtime takes place.
  - (v) Compensation shall take the form of payment at the straight time rate in respect of each hour in excess of forty hours if, at the time of a review to be conducted three times a year by the Senior Time Administrator, it is ascertained that a staff member has accumulated more than forty hours of compensatory time off which could not be authorized because of the exigencies of the service. The remaining entitlement to forty hours of compensatory time off will be counted as part of the staff member's accumulated entitlement at the time of the next review.
  - (vi) Compensation shall take the form of an additional payment for overtime in excess of a total of eight hours of work of any day of the scheduled work week, or when it takes place on the sixth or seventh day of the scheduled work week.
  - (vii) Compensation for overtime shall take the form of an additional payment when it takes place on an official holiday, provided that the Secretary-General may require all staff members at Headquarters to work on a holiday that falls during a period of exigency. In that event, the Secretary-General shall set another working day to be observed as the holiday, and the holiday falling during the period of exigency shall be treated as a normal working day.
    - a. The additional payment referred to in subparagraph (vi) above shall be made at the rate of one-and-one-half times the aggregate of the staff member's base salary or wage and language allowance, if any, except that if the overtime takes place on a Sunday or on the seventh day of the scheduled work week, the rate of the additional payment shall be twice the aggregate. In the latter case, overtime which takes place on a Sunday will be subject to compensation at the straight or one-and-a-half-time rate, as appropriate.
    - b. The additional payment referred to in subparagraph (vii) above shall be made at the rate of twice the aggregate of the staff member's base salary or wage and language allowance, if any.
  - (viii) Subject to the exigencies of service, compensatory time off may be granted, as appropriate, at a time-and-a-half rate or at twice the normal rate in lieu of compensation by additional payment at the time-and-a-half rate or at twice the normal rate under subparagraphs (vi) and (vii) above if the staff member so requests.

- (ix) Compensation for overtime shall be reckoned to the nearest half-hour; casual overtime of less than one half-hour on any day during the scheduled work week shall be disregarded. A staff member who is required to work on the sixth or seventh day of the week or on an official holiday shall receive no less than four hours of overtime compensation.
- (x) In the interests of the health of the staff and the efficiency of the service, supervisors shall not require a staff member to work more than forty hours of overtime during any one month, except where unusual exigencies of the service so require. In such situations, the exceptional approval by the authorized official is necessary (e.g., at UNON, the Deputy Director, DAS) prior to the commencement of overtime scheduled for Sundays and official holidays.

**Conditions governing night differential**

- (i) Pursuant to rule 3.12, staff members shall receive, for any regular working hours between 6 p.m. and 8.00 a.m., a night differential at the rate of 10 per cent of the aggregate of their salary or wage and their language allowance and post adjustment, if any, provided that no such differential shall be paid for any part of the tour of duty that begins between 6 a.m. and 8.00 a.m.
- (ii) Payments shall be reckoned to the nearest hour, and work periods of less than one half-hour shall not be taken into consideration.
- (iii) The average amount of night differential received by a staff member during the six months immediately preceding the period in which he or she takes annual or sick leave shall be reflected in the emoluments he or she receives during the leave period, provided one-hundred-and-twenty hours or more were compensated by night differential during the preceding six-month period.
- (iv) A staff member whose regular working hours entitle him or her to receive night differential in accordance with subparagraph (i) above, and who works overtime during hours for which night differential is payable, shall receive both night differential and overtime compensation for such overtime work.

**Shift arrangements**

5. For Security Officers working an eight-hour shift, the above sections on conditions governing compensation and overtime work as well as night differential shall be applicable:

**Monday – Thursday**

7:30am – 4:00 p.m., with an interruption of 45 minutes for lunch

Or

11:00 am – 7:30 p.m., with an interruption of 45 minutes for lunch

**Friday**

7:30 am – 1:30 p.m, excluding a lunch break

Or

1:30 p.m. – 7:30 p.m., excluding a lunch break

6. In exceptional cases, such as conferences and meetings, other staff may be requested to work in shifts to service such activities.

7. For Security Officers working twelve-hour shifts, the above sections on conditions governing compensation and overtime work as well as night differential shall also be applied *unless* it has been stipulated otherwise under the section ‘Special provisions for 12-hour shift arrangements’.

**Monday – Sunday**

7:30 a.m. – 7:30 p.m., with an interruption of 60 minutes for lunch

Or

7:30 p.m. – 7:30 a.m. – 7:30 p.m., with an interruption of 60 minutes for a meal

8. Security Officers working 12-hour shifts work in teams adhering to a schedule of two day shifts and two night shifts spread over five working days (Table 1). The sixth and seventh days are regular days off as equivalent to regular staff’s Saturday and Sunday, and the eighth day off is compensatory time off for the seven extra hours worked during those four shifts in a schedule week.

Table 1.

1 DAY 11hrs DUTY 7:30 am – 7:30 pm.	2 DAY 11hrs DUTY 7:30 am – 7:30 pm.	3 NIGHT 5.5hrs DUTY 7:30pm – 12:00am→	4 NIGHT 7.5hrs DUTY 12:00am – 7:30 am. 5.5hrs 7:30 pm - 12:00am→	5 2 <sup>nd</sup> NIGHT contd. 7.5hrs DUTY 12:00am – 7:30am.	6 OFF 0 Regular Day Off	7 OFF 0 Regular Day Off	8 OFF 0 CTO for 7 hours worked extra in that work schedule
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**Special provisions for 12-hour shift arrangements**

9. Accrual and usage of compensatory time off (CTO) for staff on the 12-hour shift work schedule shall be as follows:

- (i) CTO can only be earned for actual time worked and staff members must complete the assigned shifts in a given month before they can start earning CTO hours; for example, a staff member on a 15-day shift work month should not accrue CTO if s/he only works 14 12-hour shifts as that would equate to only 168 hours, which is the equivalent of what regular staff members work in a month.
- (ii) CTO shall be accrued and taken at the rate of 1:1 regardless on which calendar day it was accrued.
- (iii) If the staff member attends training on an off day, CTO shall be accrued.
- (iv) The 8th CTO day off will not be granted before the completion of four shift days.

10. Annual leave shall be deducted at the rate 1.5 days for each leave day taken by a staff member working on the 12-hour shift work schedule; for example, if a staff member requests for four shift days off, s/he has utilized a total of six days annual leave.

11. Sick leave for staff working the 12-hour shift work schedule shall be calculated at the regular rate of one day's absence. However, in the case of extended sick leave, s/he will be switched to the regular eight-hour shift work schedule.

12. The following treatment shall apply to compensate staff working 12-hour shifts depending on which type of day the UN holiday falls:

(i) Working day → staff shall be paid at double rate and will not be entitled to any additional time off in lieu of the UN holiday as they have already been compensated at double rate;

(ii) CTO → the staff member shall not be charged CTO despite this being a scheduled CTO off day.

(iii) Off-duty day → the staff member shall be given another regularly scheduled day off. That regularly scheduled day off could be scheduled on the next 8th day that would normally be charged to CTO. In that case, the staff member would not be charged the 7 hours CTO and would carry that balance forward.

(iv) Standby → the staff member on standby shall be compensated when s/he has been requested to work and has actually worked.

13. Staff on standby who are not called to duty shall be compensated only under specific circumstances as may be defined in the administrative instruction governing time and attendance.

#### **Special provisions for SITCEN Nurses on 12-hour shift arrangements**

14. SITCEN Nurses working the 12-hour shift work schedule also work eleven hours with a one-hour meal break and are expected to work 37 hours per week. On average a work month would consist of 153.88 hours per month after taking 10 UN holidays into account.

##### **Monday – Sunday**

7:00 a.m. – 7:00 p.m., with an interruption of 60 minutes for lunch

Or

7:00 p.m. – 7:00 a.m., with an interruption of 60 minutes for a meal

15. The work schedule is fluid as it cannot follow a pattern similar to Security due to the small number of Nurses (currently five only). The average work month hours are reviewed every four months to allow for time worked and CTO taken to balance out.

16. All additional hours worked over 37 hours a week as a result of the 12-hour shift schedule shall be taken as CTO accrued at the rate of 1:1. Similar to the 12-hour shift arrangement for Security Officers, no overtime shall be paid for scheduled shift work.

17. Due to the unique situation of the SITCEN, all work days are of "equal worth" and it is not possible to designate a sixth or seventh work day as all schedules vary from week to week. The equivalent of regular weekends off for staff members working normal hours is replaced by weekly offs which may fall on any day as permitted by the schedule.

18. Staff whose weekly off falls on a UN holiday or Sunday and are called to work shall be compensated by paid overtime at the double rate. Staff whose weekly off falls on any other day and are called to work will be granted overtime at the rate of time and a half.

19. Night differential shall be paid as stipulated under the section on 'Conditions governing night differential'.

20. One calendar day away from the office shall be the equivalent of one day's annual leave. The staff member will be switched to regular working hours for the duration of annual leave.

21. One day sick leave (SL) or uncertified sick leave (USL) requested during scheduled shift work will be counted as one calendar day away from office. Staff members on extended sick leave will be switched to regular working hours for the duration of extended sick leave.

22. SITCEN Nurses are at times required to be on standby in case of an emergency based on exigencies of service. This is defined as being reachable and able to get to the office or another location as appropriate as soon as possible once contacted. As per paragraph 13, staff on standby who are not called to duty shall be compensated only under specific circumstances as may be defined in the administrative instruction governing time and attendance.

23. This circular cancels Information Circular 2002/3 dated 16 March 2002 in its entirety.