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Note to the Chef de Cabinet

2017 Official UN Holidays

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1. Further to Ms. Tavora-Jainchill's communication directed to the Secretary-General dated 19 November 2016 regarding the extension of the list of floating holidays to add a Chinese Lunar New Year, I enclose a proposed response for your consideration.

Yukio Takasu

Yukio Takasu
16 December 2016

FILED
DEC 21 2016
EOSG/CENTRAL

HR07/02/001

United Nations  Nations Unies

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REFERENCE:

16 December 2016

Dear Ms. Tavora-Jainchill,

Thank you for your email and the request directed to the Secretary-General that he consider extending the list of floating holidays to include the Chinese Lunar New Year.

As an initial matter, I note that the General Assembly, in its resolution 52/214 decided that the two holidays of Eid al-Fitr and Eid al-Adha "shall be observed as official holidays of the United Nations at Headquarters, and at other duty stations, where applicable, and that United Nations buildings at those locations shall be closed to the public on those days."

While I fully understand your position with respect to the inclusion of Chinese Lunar New Year as an acknowledged holiday, in looking into the context of the setting of official holidays, I note that the General Assembly, in its resolution 69/250 has limited itself to acknowledging specific holidays and the need to not have official meetings scheduled on those dates. I note that it has not included in that list of acknowledged holidays, Chinese Lunar New Year. It would therefore be for the Committee on Conferences to again review the matter for ultimate consideration by the General Assembly.

The concept of floating holidays was introduced by the Secretary-General in response to the General Assembly resolution 69/250 as a way to implement that direction within the existing rules on the maximum of 10 holidays per year, and not to create an open-ended list of holidays. The current list of holidays at Headquarters was determined by the Secretary-General in accordance with staff rule 1.4 after staff consultation.

Accordingly, at this time, the Secretary-General is not in a position to add to the list of floating holidays, Chinese Lunar New Year.

Yours sincerely,

Edmond Mulet
Chef de Cabinet

Ms. Barbara Tavora-Jainchill
United Nations
New York

cc: Mr. Y. Takasu

To:
Cc:
Bcc:
Subject: Fw: 2017 Official Holidays - floating holiday - Chinese Lunar New Year

From: Barbara Tavora-Jainchill/NY/UNO
To: Ki-moon BAN/NY/UNO@UNHQ
Cc: Edmond Mulet/NY/UNO@UNHQ, Patrick Carey/NY/UNO@UNHQ, Yukio Takasu/NY/UNO@UNHQ, Christian Saunders/NY/UNO@UNHQ, Victor Kisob/NY/UNO@UNHQ, Matthew SANIDAS/NY/UNO@UNHQ, Kyung-wha Kang@unhq
Date: 19/11/2016 01:19 PM
Subject: 2017 Official Holidays - floating holiday - Chinese Lunar New Year

Sir,

One more time I take the liberty to bring this issue for your attention.

Below is the exchange I had with one of your OHRM collaborators on the addition of Chinese Lunar New Year to the list of possible floating holidays at UNHQ. He, of course, insists that the only possible floating holidays are the ones mentioned on A/RES/69/250 plus one local. I beg to disagree.

First of all, the GA did not create the concept of floating holidays, your Administration did (for which staff members are grateful). Second, nothing precludes the addition of a holiday possibility since floating holidays were created by you and, therefore, you can add and/or subtract. Finally, President's Day, a local holiday, is not among the occasions mentioned on A/RES/69/250 and still was included in the list of possibilities.

In summary, whatever is under your purview to create can also be modified by you, as long as it does not contradict a higher legislation. Before creating the floating holidays, I am positive that it was established that your Administration could legally do it. It is my firm belief that you have the authority to add an option of floating holiday, the Chinese Lunar New Year, and the only consequence I envisage is the gratitude of a considerable number of staff members (and maybe even Member States).

Therefore I respectfully ask you to do so. I thank you in advance for your consideration of this matter.

Respectfully,

Barbara Tavora-Jainchill

----- Encaminhado por Barbara Tavora-Jainchill/NY/UNO em 19/11/2016 12:55 PM -----

Para: Matthew SANIDAS/NY/UNO@UNHQ
De: Barbara Tavora-Jainchill/NY/UNO
Data: 18/11/2016 12:15 PM
cc: Victor Kisob/NY/UNO@UNHQ, Christian Saunders/NY/UNO@UNHQ
Assunto: Re: Fw: 2017 Official Holidays

Dear Mr. Sanidas,

I sincerely appreciate your response.

As you mentioned, the Secretary-General is bound by the number of official holidays determined by the General Assembly. However, since it was not the GA that determined the creation of the floating holidays nor did the GA provide a mandatory list of those holidays, it is my understanding that the

Secretary-General, who had the authority to create the floating holiday concept, also has the authority to add one more possibility to the list, as long as the number of official holidays does not increase.

I will convey my understanding, as well as your opinion, to the Secretary-General and the staff members who wish to have the Chinese Lunar New Year included in the list of floating holidays.

Thanks and best regards

Barbara Tavora-Jainchill

-----Matthew SANIDAS/NY/UNO wrote: -----

=====
To: Barbara Tavora-Jainchill/NY/UNO@UNHQ
From: Matthew SANIDAS/NY/UNO
Date: 11/18/2016 04:36PM
Cc: Victor Kisob/NY/UNO, Christian Saunders/NY/UNO@UNHQ
Subject: Fw: 2017 Official Holidays
=====

Dear Ms. Tavora-Jainchill,

I note that staff rule 1.4 (b) provides that "[t]he number of official holidays at each duty station shall be 10 days in each calendar year, including those official holidays mandated by the General Assembly, which shall be observed at all duty stations. . .", and 1.4 (c) provides that "[t]he official holidays not mandated by the General Assembly shall be determined by the Secretary-General at Headquarters, and by the head of office or mission at other duty stations, after staff consultation."

The legal authority to fix official holidays rests with the Secretary-General for those official holidays not mandated by the GA. In its resolution 52/214A and decision 52/468, the GA, in deciding that the United Nations official holidays shall be set at 10 days, in order to observe the two holidays of Eid al-Fitr and Eid al-Adha. For Headquarters, other holidays are set by the SG after consultations with staff. In resolution 69/250, , the GA acknowledges Orthodox Good Friday and acknowledges that Yom Kippur is a significant local holiday in the host city of the Headquarters of the United Nations and acknowledges the significance of the Day of Vesak, Diwali, GURPURAB and Orthodox Christmas. The relevant provision section of that resolution follows:

I

Calendar of conferences and meetings

1. Welcomes the report of the Committee on Conferences for 2014;1
2. Approves the draft revised calendar of conferences and meetings of the United Nations for 2015, as submitted by the Committee on Conferences, See Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 32 (A/69/32), annex II. taking into account the observations of the Committee and subject to the provisions of the present resolution;
3. Authorizes the Committee on Conferences to make any adjustments to the calendar of conferences and meetings for 2015 that may become necessary as a result of actions and decisions taken by the General Assembly at its sixty-ninth session;
4. Notes with satisfaction that the Secretariat has taken into account the arrangements referred to in General Assembly resolutions 53/208 A, 54/248, 55/222, 56/242, 57/283 B, 58/250, 59/265, 60/236 A, 61/236, 62/225, 63/248, 64/230, 65/245, 66/233, 67/237 and 68/251 concerning Orthodox Good Friday and the official holidays of Eid al-Fitr and Eid al-Adha, and requests all intergovernmental bodies to observe those decisions when planning their meetings;
5. Acknowledges that Yom Kippur is a significant local holiday which is observed in the host city of the Headquarters of the United Nations, invites United Nations bodies at Headquarters and other duty stations where observed to avoid holding meetings on Yom Kippur, and in this regard encourages this arrangement be taken into account when drafting future calendars of conferences and meetings;
6. Acknowledges the significance of the Day of Vesak, which is observed in many Member States, invites United Nations bodies at Headquarters and other duty stations where observed to avoid holding meetings on the Day of Vesak, and in this regard encourages this arrangement be taken into account when drafting future calendars of conferences and meetings;
7. Acknowledges the significance of Diwali, which is observed in many Member States, invites United Nations bodies at Headquarters and other duty stations where observed to avoid holding meetings on Diwali, and in this regard encourages this arrangement be taken into account when drafting future calendars of conferences and meetings;
8. Acknowledges the significance of Gurburab, which is observed in many Member States, invites United Nations bodies at Headquarters and other duty stations where observed to avoid holding meetings on Gurburab, and encourages this arrangement be taken into account when drafting future calendars of conferences and meetings;
9. Acknowledges the significance of Orthodox Christmas, which is observed in many Member States, invites United Nations bodies at Headquarters and other duty stations where observed to avoid holding meetings on the day of Orthodox Christmas, and encourages

this arrangement be taken into account when drafting future calendars of conferences and meetings;

10. Requests the Secretary-General to ensure that any modification to the calendar of conferences and meetings is implemented strictly in accordance with the mandate of the Committee on Conferences and other relevant resolutions of the General Assembly;

11. Invites Member States to include in new legislative mandates adequate information on the modalities for the organization of conferences or meetings;

12. Recalls rule 153 of its rules of procedure, and, for resolutions involving expenditure, requests the Secretary-General to include the modalities of conferences, taking into account the trends of similar meetings, with a view to mobilizing conference services and documentation in the most efficient and cost-effective manner possible;

13. Reaffirms the need to address the issue of duplications and redundancies in conference servicing, and notes in this regard that the Economic and Social Council decided in its resolution 2013/13 of 22 July 2013 to consider at a later date the necessity of reviewing its provisional biennial calendar of conferences and meetings in the light of the ongoing intergovernmental consultations on the further strengthening of the Council;

In determining local holidays in accordance with the Staff Rules, the SG recognizes the significance of a number of other holidays, as established in the excerpt of GA Res. 69/250 above. To respect the diversity of staff of the United Nations, in last year's IC and equally in the most recent IC, staff members were given the option of observing any one of six floating holidays, the list being made up of those days that have been acknowledged by the GA. As stated in my earlier message, in order to expand that list, since the GA has already positively acknowledged certain dates, we are bound by those statements of the GA in that resolution, and therefore it would be necessary to have their further acknowledgement of other dates. As indicated in my earlier message, this is a matter that we will further consider.

With best regards,

Matthew Sanidas

----- Forwarded by Matthew SANIDAS/NY/UNO on 17/11/2016 04:17 PM -----

From: Barbara Tavora-Jainchill/NY/UNO
To: Matthew SANIDAS/NY/UNO@UNHQ

Cc: Victor Kisob/NY/UNO@UNHQ, Christian Saunders/NY/UNO
Date: 17/11/2016 03:56 PM
Subject: Fw: 2017 Official Holidays

Dear Mr. Sanidas,

I would appreciate an answer to my queries. I have to report back to the interested staff members before the end of the day.

Thanks and best regards,

Barbara Tavora-Jainchill

----- Forwarded by Barbara Tavora-Jainchill/NY/UNO on 17/11/2016 03:55 PM -----

From: Barbara Tavora-Jainchill/NY/UNO
To: Matthew SANIDAS/NY/UNO@UNHQ
Cc: Victor Kisob/NY/UNO@UNHQ, Christian Saunders/NY/UNO
Date: 17/11/2016 12:50 PM
Subject: Re: 2017 Official Holidays

Dear Mr. Sanidas,

Maybe I am not reading properly A/RES/69/250 but so far I have not been able to find a provision on that resolution which establishes a floating holiday and determines the choice and number of days. Could you kindly point me to that provision? I apologize for the inconvenience.

In case the legal decision to establish a floating holiday (of course based on the provisions of A/RES/69/250) was taken by the Secretary-General, could you kindly forward the document where its concept and details are specified?

Thank you and best regards,

Barbara Tavora-Jainchill

From: Matthew SANIDAS/NY/UNO
To: Barbara Tavora-Jainchill/NY/UNO@UNHQ
Cc: Victor Kisob/NY/UNO, Christian Saunders/NY/UNO@UNHQ
Date: 17/11/2016 10:42 AM
Subject: Re: 2017 Official Holidays

Dear Ms. Tavora-Jainchill,

1. With reference to the above subject and the email correspondence on the matter, please note that the General Assembly in its resolution 69/250 noted with satisfaction that the Secretariat had taken into account the arrangements referred to in GA resolutions 53/208 A, 54/248, 55/222, 56/242, 57/283B, 58/250, 59/265, 60/236 A, 61/236, 62/225, 63/248, 64/230, 65/245, 66/233, 67/237 and 68/251 concerning Orthodox Good Friday and the official holidays of Eid al-Fitr and Eid al-Adha and requested all intergovernmental bodies to observe those decisions when planning their meetings. Further, the General Assembly acknowledged that the following days were significant holidays which were observed in the host city of the Headquarters of the United Nations and /or in many Member States and invited the United Nations bodies at Headquarters and other duty stations were observed to avoid holding meetings on the following days: Yom Kippur, Day of Vesak, Diwali, Gurpurab, Orthodox Christmas and taking them into account when drafting the UN official calendars.

2. In accordance with the above GA resolution, it was decided to allow one floating holiday per calendar year in New York and in other duty stations where those local holidays are observed so that staff who may wish to observe one of these days, may be able to do so. The list of floating holidays of each duty station where such local holidays are observed should accordingly contain the six days mentioned in the paragraph above (other than the 2 Eid holidays), in addition to one day for a public holiday of the host country in order for the total number of official holidays that a staff member may avail of during the calendar year not to exceed 10 days as mandated by the GA. For UN Headquarters in New York, the 2016 calendar of official holidays accordingly included 9 official holidays and the six days mandated by the General Assembly and President's day as floating holidays from which staff members could choose one. For the year 2017, because Good Friday and Orthodox Good Friday fall on the same day, the list of floating holidays contains the five days mandated by the General Assembly (other than Orthodox Good Friday) and President's day.

3. In terms of adding other days to that list, given the specific provisions of the GA resolution 69/250, we are not in a position to do so at this time. That being said and in view of the points raised, this is a matter that will be further considered to determine the viability of having other significant holidays added to the list of floating holidays, subject of course to the approval by the General Assembly.

With best regards,

Matthew Sanidas

From: Barbara Tavora-Jainchill/NY/UNO
To:
Date: 14/11/2016 04:54 PM
Subject: 2017 Official Holidays

Dear colleagues,

Attached is the IC containing the 2017 UN official holidays as well as the options for a floating holiday.

The feedback from staff regarding the floating holiday has been very positive; however, we regret to note that, despite numerous requests, the Chinese Lunar New Year was not included among the options for floating holiday. It is very unfortunate that one more time the Administration chose to ignore a request from staff members.

Best,

Barbara

[attachment "ST_IC_2016_29_Official_Holidays.pdf" deleted by Barbara Tavora-Jainchill/NY/UNO]