

## **STAFF RULES OF THE GENERAL SECRETARIAT**

### **CHAPTER I OBLIGATIONS AND RIGHTS**

#### **Rule 101.1 Hours of Work**

- (a) The Secretary General shall set the normal working hours for each duty station away from headquarters and notify the staff of these hours.
- (b) Normal working hours at headquarters shall be from 9:00 a.m. to 5:30 p.m. Monday through Friday, with a period of one hour for lunch. Exceptions may be made by the Secretary General as the needs of the service require.
- (c) When requested to do so, a staff member shall work overtime, as prescribed in Rule 103.8.
- (d) In determining the conditions that warrant excusal from work in cases of emergency or extreme weather conditions, the appropriate authority of the General Secretariat, unless otherwise directed by the Secretary General, shall follow the same criteria used by the local government in the area in which the staff is working. Staff members at headquarters shall be excused from work when the District of Columbia Government excuses its employees.
- (e) The Director of the Department of Human Resource Services, after consulting with the Secretary General, shall notify the staff of excusals from work because of special events.
- (f) A staff member on leave at the time the staff is excused for part of a day or more shall be charged leave for the time covered by the excusal period. The same shall apply to a staff member who has not reported for work at the time the staff is excused for part of a day

#### **Rule 101.2 Official Holidays**

- (a) Staff members shall not be required to work on days designated as official holidays by the Secretary General. When the Secretary General determines that circumstances so require, he may decide that a holiday shall be observed on a day other than the customary one.
- (b) Official holidays at headquarters shall be New Year's Day, Martin Luther King's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day.
- (c) Each duty station away from headquarters shall follow the official holidays of the civil servants of the respective national government.
- (d) Staff members shall be excused from work on the national day of their country. If for any reason they are required to work on that day, they shall be entitled to compensatory time off in accordance with Rule 103.8. A staff member assigned to a duty station in a country of which he is a national shall be granted an additional day.

#### **Rule 101.3 Financial Responsibility**

Any staff member who causes financial damage to the Organization by malice, culpable or gross negligence, or failure to observe the General Standards, regulations, and other administrative provisions of the General Secretariat shall be responsible therefor and shall be required to pay appropriate compensation

#### **Rule 101.4 Outside Activities and Interests**

- (a) Staff members shall not engage in any continuous or recurring occupation or employment outside the Organization, or accept remuneration for private work, without prior written authorization by the Secretary General.
- (b) No staff member may participate in the management of an industry or business, or have any financial interest therein, if by reason of his official position with the Organization it is possible for him to benefit from such association or financial interest.
- (c) A staff member who has occasion to deal in his official capacity with any matter involving a business concern in which he holds a financial interest shall disclose the extent of that interest to the Secretary General.
- (d) The mere holding of shares of stock in a company shall not constitute a financial interest within the meaning of this Rule, unless such holding constitutes a substantial control over that company's business.

(e) Except in the normal course of their duties, or with prior authorization by the Secretary General, staff members shall not engage in any of the following acts, if the purposes, activities, or interests of the Organization are involved:

- (i) Issue statements to the press, radio, or other public information media;
- (ii) Deliver addresses or lectures;
- (iii) Take part in film, theater, radio, or television productions; or
- (iv) Publish articles, books, or other material.

(f) When the authorization referred to in the preceding paragraph is granted, the staff member concerned must make it clear in each case that the opinions expressed are his own and do not necessarily represent those of the General Secretariat or of the Organization.

(g) Staff members shall not accept any gratuity or favor from any commercial firm or individual doing, or seeking to do, business with the Organization.

#### Rule 101.5 Property Rights in Work Performed

All rights, including title, copyright, and patent rights, in any work produced by a staff member as part of his official duties or by any other individual or entity being paid by the General Secretariat, or working in cooperation with it, shall be vested in the Organization.

#### Rule 101.6 Political Activities

Staff members may exercise the right to vote and join political parties, but they may not participate in political activities that, in the judgment of the Secretary General, are incompatible with or detrimental to the independence and impartiality inherent in their status as international employees. Contributions to a political party or to a particular candidate shall not be considered as prohibited activities.

#### Rule 101.7 Statements of Loyalty and of Ethics of Conduct and Conflicts of Interest

(a) Before beginning his duties, every staff member must sign the following statement:

I solemnly undertake to perform loyally, discreetly, and conscientiously my duties as a member of the international staff serving the General Secretariat; to conduct myself in accordance with the interests of the Organization of American States; neither to seek nor to accept instructions regarding my duties and obligations as a staff member from any government or from any authority other than the General Secretariat; and, in all respects, to abide by the provisions of the Charter of the Organization of American States and to comply with the General Standards to Govern the Operations of the General Secretariat, the Staff Rules, and other pertinent provisions.

(b) Every staff member must sign the following statement before beginning his duties and must renew it annually:

I declare that, to the best of my knowledge and belief, I have no connection that might conflict with the correct performance of my duties in the General Secretariat and with responsibilities assigned to me by the Charter of the Organization of American States, the General Standards, and the Staff Rules. I undertake to consult the Secretary General in the event that any connection that could involve a conflict of interest occurs and to divest myself of it if, in his opinion, it involves such a conflict. My failure to do so shall constitute grounds for disciplinary action in accordance with Rule 110.5 and Chapter XI of these rules.

(c) The staff members whose posts appear in paragraph (d) of this Rule shall also present sworn statements including:

- (i) All associations, enterprises, or companies with which they are directly or indirectly connected, with an indication of the nature of the connection, and a list of their creditors, except those to whom they are indebted for a mortgage on their personal residence or for

ordinary living expenses such as household furnishings, automobiles, education, or vacations.

(ii) Their personal net worth as it stands at the beginning and end of their service in the post.

The statement referred to in subparagraph (i) must be renewed annually and amended to reflect changes in the information contained therein.

(d) The statements referred to in the preceding paragraph shall be presented by the following staff members:

(i) Those holding positions of trust;

(ii) Department, Unit, Division, or Office directors and other chiefs of administrative units who, although they do not hold positions of trust, are directly subordinate, from the standpoint of rank, to the Secretary General, the Assistant Secretary General, an Executive Secretary, or an Assistant Secretary; and

(iii) Staff members who, as a part of their normal activities, participate in a substantial way in recommending, selecting, approving, or paying staff members, independent contractors, or other firms or enterprises from which the General Secretariat purchases goods or services. Members of this category are those holding the posts referred to in Appendix A of these rules.

(e) All information provided by staff members under Rule 101.7 shall be processed and maintained in the strictest confidentiality under the responsibility of the Department of Human Resource Services and may be utilized only in connection with the administration of the policies with respect to ethics of conduct and conflicts of interest in the General Secretariat.

#### Rule 101.8 Prohibition Against Sexual Harassment

(a) Every staff member and independent contractor is entitled to work in an atmosphere which is free of sexual harassment. The General Secretariat will take appropriate steps to promote such a working environment, and it will not tolerate behavior which is not respectful of that right.

(b) No staff member or independent contractor shall sexually harass another staff member, an independent contractor, or any visitor who comes onto the General Secretariat's premises. Every staff member and independent contractor has the right to object and to file a complaint should sexual harassment occur and to expect the Secretary General to deal seriously and promptly with that complaint.

(c) All supervisors, staff, and independent contractors are obligated to comply with the General Secretariat's policy against sexual harassment and shall take appropriate measures to ensure that sexual harassment does not occur. Staff members who violate that policy will be subject to disciplinary action, and independent contractors who violate that policy are subject to termination for cause.

(d) The Secretary General shall issue the Administrative Provisions to implement and enforce this Rule.

#### Rule 101.9 Conditions Governing Privileges and Immunities

(a) Any and all privileges and immunities accorded to staff members by the Member States by way of agreement, legislation, or custom and practice, are granted in the interests of the General Secretariat and not for the personal benefit of the individuals themselves. The Secretary General may waive the immunity of any staff member in any case, where in the Secretary General's opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

(b) Without prejudice to the above-mentioned privileges and immunities, it is the duty of each staff member to respect the laws of his duty station or of any Member State in which he is on Mission or to which he is otherwise assigned.

(c) Prior to leaving his duty station, retiring, or otherwise separating from service, a staff member who is not an immigrant or citizen of the duty station country and against whom a civil action is

pending in any court in his duty station in relation to activities for which there is no immunity under the corresponding agreements and laws, or for which immunity has been waived, must appoint an agent resident in the duty station. The staff member shall authorize that agent to receive process relating to the civil action, and in the event a final judgment is issued against the staff member, to receive salary, pensions, and other remuneration due him from the General Secretariat, so that such salary, pensions, and other remuneration may be available to satisfy the judgment. In the event the staff member fails to appoint that agent, the General Secretariat shall have the authority to appoint an agent for him and may do so. Any agent so appointed pursuant to this paragraph shall be resident in the duty station, or in any other locations which the General Secretariat deems appropriate.

## **CHAPTER II CLASSIFICATION OF POSTS**

### Rule 102.1 Systems and Standards of Classification of Posts

- (a) The system of classification of posts is maintained by the Secretary General in order to ensure the assignment of appropriate grades and titles to all posts in the General Secretariat.
- (b) The Secretary General shall issue the administrative provisions and standards for the classification of posts in the professional and general services categories in accordance with the resolutions of the OAS General Assembly. The Classification Standards may be consulted by any staff member in the Department of Human Resource Services .
- (c) The classification of posts is directed at the posts and not at the persons who hold them. The classification of each post depends on the nature of the duties and responsibilities assigned to it, and is not affected by any of the following factors: physical location, length of service, quality of performance, education or experience of the incumbent, or volume of work

### Rule 102.2 Classified and Unclassified Posts

- (a) The posts of Secretary General, of Assistant Secretary General, of the Executive Secretaries established in the Charter, and of Assistant Secretaries are unclassified posts.
- (b) All other posts are classified in 14 grades within two categories, in conformity with the Classification Standards and the pertinent resolutions of the General Assembly.
- (c) Professional category posts are those classified as such under the Classification Standards in force. The professional category comprises seven grades: P-1 to P-5 and D-1 and D-2.
- (d) General services category posts are those classified as such under the Classification Standards in force. The general services category comprises the seven grades G-1 to G-7. Except as otherwise provided in Rule 104.15, staff members for this category should be recruited locally.

### Rule 102.3 Classification Procedure

- (a) The Department of Human Resource Services is responsible for ensuring that the grade of each post is compatible with its duties and level of responsibility, in accordance with the Classification Standards.
- (b) Department and Office directors are responsible for ensuring that all staff members assigned to their Departments or Offices receive a description of the posts they occupy, and they are responsible for seeing to it that the descriptions of the posts adequately reflect the duties and responsibilities assigned to the staff members under their supervision.
- (c) Except as provided in paragraph (d) below, and subject to the requirements of Rule 103.7, a supervisor may not assign new duties to a staff member that are likely to alter the classification level of the staff member's post without first sending to the Department of Human Resource Services, through the pertinent Executive or Assistant Secretary (or through the Secretary General or the Assistant Secretary General in the case of areas under the direct supervision of either of them), the following documentation: (i) a new proposed written post description (paper copy and diskette); (ii) the completed Official Reclassification Request Form (published by the Department of Human Resource Services ) setting forth the proposed changes and giving a detailed justification for them; (iii) an organizational chart showing the posts in the department or office with current grade levels and titles. Within the ninety days following its receipt of those documents, the Department of Human Resource Services shall issue an opinion on the possible

consequences of the proposed assignment of duties and the requisites for making the assignment effective.

(d) Assignments of duties either at the same level or at a higher level for not more than two months are exempt from the requirement of paragraph (c) but are subject to the requirements of Rules 103.7 and 105.3.

(e) The Department of Human Resource Services shall review the classification of each vacant post before proceeding to fill it. The classification of posts in each Department or Office of the General Secretariat shall be reviewed periodically by the Department of Human Resource Services. It may review posts on its own initiative or responding to the incumbent's or supervisor's requests, or may schedule departmental, office-wide, or group reviews either in response to requests from Department or Office heads or as a result of circumstances such as unforeseen changes in the administrative structure or the needs of a Department or Office.

(f) The review of posts shall consist of:

(i) An analysis of the duties, responsibilities, and requirements of each post, described in the appropriate manner, approved by the Director of the Department or Office concerned;

(ii) An audit of each post, which insofar as possible will include on-site discussion with the incumbent and with his supervisors and an examination of some work samples, but may be limited to review of the information requested in Rule 102.3(c) or 102.3(i) if no substantial changes in duties have been made since the last review; and

(iii) An evaluation of the post in accordance with the Classification Standards.

(g) The Department of Human Resource Services shall review the classification and correct any errors or omissions that the review may reveal in the description of the post and shall certify the classification that corresponds to it in accordance with the Classification Standards. The final recommendation shall then be sent to the Secretary General for his decision. A change in the classification of a post shall become effective on the date that it is approved by the Secretary General.

(h) The classification of each post in conformity with paragraphs (e), (f), and (g) above, regardless of the level of the post in the budget, shall regulate all actions related to that post, such as:

(i) The possible payment of special duties allowance, in accordance with Rule 103.7;

(ii) The selection and promotion of staff members, dealt with in Chapter IV of these rules;

(iii) Transfers, temporary assignment of duties, and reduction in grade, dealt with in Chapter V; and

(iv) Separation from service and reduction in force, dealt with in Chapter X.

(i) A staff member who belongs to the career service or has been providing services under contract for a continuous period of three years or longer, and whose post has not been reviewed during the preceding twelve months, may request an individual review provided that he presents to the Director of the Department of Human Resource Services a completed Official Reclassification Request Form expressly describing the new duties and functions he is performing and other changes in his post which he believes may alter its classification. If the Department of Human Resource Services determines that substantial changes in the functions have occurred which might merit a change in the classification level of the post, it shall request a post description from the supervisor and shall conduct a review of the post. A review granted pursuant to such a request shall be conducted within six months from the date on which the Department received the request.

(j) When the periodic reviews to which this Rule refers are made, or in any other circumstance that is considered appropriate, the Department of Human Resource Services shall conduct manpower utilization studies and make proposals designed to obtain the best possible use of the human resources of the General Secretariat.

(k) Once the Secretary General has approved a classification decision, the Department of Human Resource Services shall notify the incumbent and the director of the Department or Office

concerned of the decision and shall send them a corrected and certified copy of the description of the post.

(l) Subject to the approval of the required funds in the Program-Budget, the Secretary General shall conduct at least once every four or six years a Secretariat-wide audit, which shall be completed no later than six months prior to the review of the proposed budget for the subsequent biennium by the Preparatory Committee of the General Assembly, in accordance with Article 34 of the General Standards.

(m) The post review process set out in paragraphs (e), (f), and (g) of this Rule may be carried out by outside consultants, provided that they are sufficiently trained and experienced in the audit process to provide professional post audits and reviews at least equivalent in quality to those conducted by the staff of the Department of Human Resource Services.

#### Rule 102.4 Appeals

(a) A staff member who is dissatisfied with the classification of his post resulting from a review made in accordance with Rule 102.3 above may be entitled to have his post reviewed again by a committee of trained specialists appointed by the Secretary General or an external classification specialist chosen from a panel selected with the participation of the Staff Committee, if he and the Secretary General so agree. Such an agreement may be reached either without resort to the reconsideration procedure referred to in Chapter XII of these Rules or under a conciliation arranged by the Joint Committee on Reconsideration pursuant to Rule 112.5(g). The agreement shall provide that the recommendations of the external specialist or the committee of trained specialists (as the case may be) are final and binding on all parties and that the staff member relinquishes the right to any further recourse in the matter. The external specialist or the committee of specialists (as the case may be) shall be instructed to limit itself to issuing a technical opinion on the classification of the post.

(b) In the absence of an agreement as provided for in paragraph (a) above, or as an alternative to it, the staff member may exercise his rights under Chapter XII of these Rules.

(c) To satisfy the requirements of Rules 112.1(a) and 112.5(e), when a staff member requests a hearing or reconsideration relating to the classification of his post he must specify in his written request whether his grievance is based on (i) the omission of functions in the description of the post or (ii) the sufficiency of the post review conducted by the Department of Human Resource Services

#### Rule 102.5 Liabilities and Disciplinary Measures

(a) Any supervisor who in assigning functions to a staff member under his supervision fails to comply with all the requirements set out in Rules 102.3 and 103.7 shall be personally liable for any monetary damages incurred by the General Secretariat resulting from such assignment and shall personally make full restitution to the General Secretariat for those damages, pursuant to Rule 103.1.

(b) Any supervisor who fails to observe the prohibitions regarding assignment of functions set forth in Rules 102.3 and 103.7 shall be subject to the disciplinary procedures set forth in Rule 110.5 and Chapter XI of these Rules. All disciplinary measures provided for under this Rule are cumulative and not mutually exclusive.

(c) Any supervisor who refuses to prepare a post description at the request of the Department of Human Resource Services shall be personally liable for the costs incurred by the General Secretariat as a result of that refusal, including the cost of contracting an outside consultant or other persons to prepare the post description requested.

### **CHAPTER III SALARY AND ALLOWANCES**

#### Rule 103.1 Salary Schedules and Currency for Establishing and Paying Salaries and Benefits

(a) At least once each year, the Secretary General shall publish salary schedules (also referred to as salary scales) which set out for each grade and step the corresponding net basic salary, pensionable remuneration, and post adjustment.

(b) The salary schedules in force for net basic salaries shall be those applied by the United Nations Secretariat for the corresponding duty station, based on salary schedules recommended by the International Civil Service Commission ("ICSC").

(c) On the salary schedules for professional staff, the net salaries for staff members with dependents shall apply only to a staff member who either (i) has a spouse recognized as a dependent under these Rules or (ii) has one or more children for whom he or she provides main and continuing support as determined by the Secretary General in accordance with Rule 103.16 and other pertinent provisions of these Rules. For all other professional staff members, the net salaries for staff members without dependents shall apply.

(d) Pensionable remuneration, as set forth in the salary schedules, shall be computed by the formula established in accordance with the objectives of the Retirement and Pension Plan and the principles approved by the General Assembly or by the Permanent Council acting pursuant to the pertinent delegation of authority.

(e) The post adjustments set out in the salary schedules shall be established in accordance with Rule 103.2 below.

(f) Salaries and other benefits for general services and local professional staff members shall be established and paid in the local currency of the duty station.

(g) For those duty stations in which there are no salary and post adjustment schedules published by the International Civil Service Commission ("ICSC"), the Secretary General will periodically develop such schedules pursuant to a methodology similar to that used by the ICSC for that purpose.

(h) The Secretary General, at his option, may establish special salary schedules in accordance with the corresponding UN Common System schedules or guidelines for additional categories of personnel, provided that the establishment of those categories is approved by the General Assembly and incorporated into the General Standards. Those additional categories may include, but are not limited to field service personnel, language teachers, trades and crafts personnel, locally recruited mission personnel, and consultants.

(i) Notwithstanding the above, the remuneration and basic salary of the Secretary General, the Assistant Secretary General, the Executive Secretaries referenced in the Charter, and the Assistant Secretaries shall be established as provided in the General Standards.

#### Rule 103.2 Post Adjustment and Rental Allowance

In order to preserve equivalent standards of living at different offices, the United Nations applies to professional salaries post adjustments recommended by the International Civil Service Commission and based on relative costs of living, standards of living, and related factors at the office concerned as compared to New York. That system of post adjustments shall also apply to the General Secretariat's staff members, as further specified in this Rule.

(a) The post adjustment schedules adopted for the United Nations Secretariat shall apply to staff of the General Secretariat.

(b) The rate of post adjustment shown on the schedules for staff members with dependents shall apply to a staff member if his or her spouse is recognized as a dependent under these Rules or the Secretary General determines that the staff member provides substantial and continuing support to one or more of his or her children.

(c) Where both husband and wife are staff members in the professional category or above, and taking into account Rule 104.14 (Family Relationships), post adjustments shall be paid to each at the single rate unless they have a dependent child or children. In that case, the dependency rate of post adjustment shall be paid to the spouse having the higher salary level and the single rate of post adjustment to the other spouse.

(d) The higher rate of post adjustment shall be paid in accordance with paragraphs (b) and (c) above in accordance with the rate of the duty station where the primary dependent with respect to whom it is paid resides.

(e) While the salary of a staff member is normally subject to the post adjustment of his or her duty station during assignments for one year or more, alternative arrangements may be made by the Secretary General under the following circumstances:

(i) A staff member who is assigned to a duty station classified lower in the schedule of post adjustments than the duty station in which he or she has been serving may continue to receive for up to six months the post adjustment applicable to the former duty station while the members of his or her immediate family (spouse and children) remain at that duty station.

(ii) When a staff member is assigned to a duty station for less than one year, the Secretary General shall decide at that time whether to apply the post adjustment applicable to the duty station and, if appropriate, to pay an installation allowance under Rule 103.12 and an assignment allowance under Rule 103.15 or, in lieu of the above, to authorize an appropriate travel subsistence allowance under Rule 103.14.

(iii) When the Secretary General designates an assignment as a special mission assignment under Rule 103.14 (Mission Assignment) with provision for mission subsistence allowance, the post adjustment for the mission area will not be applicable.

(f) At duty stations where the average rental cost used in calculating the post adjustment index is based on the cost of housing provided by the United Nations, by the government, or by a related institution, staff members who have to rent housing accommodation at substantially higher commercial rates will be paid a supplement to the post adjustment in the form of a rental subsidy under conditions established by the Secretary General in accordance with the corresponding administrative issuances and as set out in Appendix A to these Rules.

#### Rule 103.3 Initial Salary

(a) A staff member on initial appointment shall be placed in the first step of the grade of his post; however, the Secretary General may authorize an initial appointment to a higher step in the post if he considers that the staff member's experience and other qualifications for the duties and responsibilities attaching to the post justify a higher salary and it is necessary to maintain the income level that the staff member enjoyed in his immediately prior employment. The staff member must provide such documentation verifying his experience, qualifications, and salary and benefit levels at his prior employment as the Department of Human Resource Services requires.

(b) All staff members who do not have express written authorization to make binding offers of employment are prohibited from making commitments, oral or written, regarding salaries and other aspects of employment. A staff member or prospective staff member shall not rely on any such offer unless it is in writing and signed by the Director of the Department of Human Resource Services as part of the Official Offer of Employment. Any infraction of this Rule will give cause for the application of disciplinary measures under these Rules and additional sanctions as provided under Rule 101.3.

#### Rule 103.4 Step Increases

(a) Salary schedules shall provide for periodic within-grade increases (annual or biannual, as the case may be) for employees whose performance and conduct have been satisfactory in accordance with the corresponding annual performance evaluation.

(i) Notwithstanding the above, the entitlement to the "long-service step increases" so designated on the UN salary schedules shall be preceded by at least two years at the previous step and shall be subject to such other longevity requirements as are established in the corresponding UN Salary Schedules.

(ii) Staff members who are in the last step in their Grade will not be eligible for additional step increases for as long as they remain in that Grade.

(b) If performance is unsatisfactory, the periodic step increase shall be postponed for a period of three months, after which another evaluation shall be made. If the second evaluation shows continued unsatisfactory performance, the periodic step increase shall not be granted, and other measures as provided under Rule 110.4(c) may apply.

(c) Notwithstanding paragraph (a) of this Rule, in the absence of exceptional circumstances, staff members holding probationary appointments shall become eligible for a step increase only after

they have been granted permanent or regular appointments or if their probationary periods have been extended. Step increases granted under this paragraph shall become effective in accordance with the provisions of paragraph (e) below.

(d) Consideration for a step increase shall be postponed for any staff member otherwise entitled thereto who has been on leave without pay for more than one month during the 12-month period prior to the date on which he or she would be eligible for that increase. The postponement shall be equivalent to the period of leave without pay. Any postponement because of special leave shall be determined in each case. Postponement of a step increase under this paragraph shall not result in postponement of subsequent step increases or alter the schedule of the subsequent corresponding annual evaluations for the affected staff member.

(e) Step increases shall be effective on the July 1 following a year's satisfactory performance in a given grade and step, except as provided in paragraph (d) above.

(f) If a staff member whose performance is satisfactory is reclassified to the grade of a lower-level post, the period of his service since his last step increase shall be credited towards his next step increase within the lower grade. If a staff member whose performance has not been satisfactory is reclassified to the grade of a lower-level post, the staff member's eligibility for a step increase in his new grade will be based on satisfactory service in that lower grade post.

#### Rule 103.5 Salary Policy on Promotion

The salary of a staff member who is promoted shall be determined as follows:

(a) The staff member shall be placed in the step in his new grade for which the salary is closest to the sum of the salary he was receiving prior to the promotion plus the amount paid for one step in the new grade. Notwithstanding, if the salary for the first step in the new grade results in a greater increase, he will be entitled to that salary. The step and date of the periodic increase in the new grade shall be adjusted accordingly.

(b) If as a result of being promoted a staff member loses his right to the nonresident allowance (Rule 103.17) or the language allowance (Rule 103.6), the amount he has been receiving for these allowances shall be added to his salary before promotion in order to determine his step on the date of his next salary increase in accordance with paragraph (a) above.

#### Rule 103.6 Language Allowance

(a) A staff member in the general services category who belongs to the career service or holds a long-term contract shall be paid a language allowance if he passes a standard proficiency test prescribed for this purpose in an official language other than the languages required for the post he holds. No staff member shall be paid an allowance for more than two official languages.

(b) Proficiency tests in the use of the official language shall be given at least once a year.

(c) Staff members receiving language allowances may be required to undergo further testing at intervals of not less than three years to determine their continued proficiency.

(d) The amount of the language allowance in each duty station shall equal the corresponding amount paid by the UN Secretariat for the language allowance as published in the pertinent Information Circular or Administrative Instruction, unless otherwise determined by the Secretary General. The amount paid to a staff member for a second language shall be half of that paid for the first.

#### Rule 103.7 Allowance for Special Duties

(a) Any staff member may be instructed to assume temporarily duties and responsibilities of a post of a higher level as part of his or her regular work and without additional compensation; however, an allowance for special duties shall be paid to a staff member who is required to assume on a temporary basis, for a period of more than six months and up to twenty-four months without interruption, functions which if assigned permanently would warrant reclassification of the post in accordance with the Classification Standards in force.

(b) The allowance shall be paid beginning the day after the completion of the sixth month in which the staff member performs the higher-level duties. Before the expiration of the initial six-month period in which the staff member is assigned to temporarily perform higher-level duties, the Department of Human Resource Services shall conduct a post review in order to verify the level of duties being performed on a temporary basis.

(c) In accordance with Rule 102.3, a supervisor wishing to assign new duties for more than two months shall in advance: (i) provide a staff member with written instructions to that effect, and (ii) through the appropriate channels, so notify the Department of Human Resource Services. A staff member who believes that the duties assigned to him may give rise to the allowance for special duties and who has not received written instructions may himself notify the Department of Human Resource Services in writing. A list of the new duties must be submitted with the written notice.

(d) If, before the end of the six-month period, it appears that the need for the assignment of duties will continue, the supervisor shall send written notice to the Department of Human Resource Services stating the reasons for the extension of the assignment, indicating how the functions normally performed by the staff member will be carried out, and identifying the source of the funds to be used for payment of the allowance. If no source of funds is available the assignment shall be rescinded by either the supervisor or the Department of Human Resource Services. No staff member shall perform or be required to perform special duties for more than six months unless he is paid the special duties allowance provided for under this Rule.

(e) An assignment of special duties in accordance with this Rule shall not exceed 24 months and, except as provided in paragraph (f) below, the payment of an allowance shall not exceed 18 months. Before the assignment expires the supervisor shall inform the Department of Human Resource Services whether he intends to redistribute the functions or, if the functions are attached to a vacant post, to fill it, to make other use of it, or to reassign or redefine the corresponding functions. The staff member shall decline to perform the special duties if he is not paid the allowance beginning six months after having commenced his performance of those duties or if the payment of the allowance ceases.

(i) In the event that the staff member continues performing those duties in violation of this provision, the staff member shall be deemed a volunteer, and the General Secretariat will not be liable to the staff member for the payment of the allowance or any other compensation for the performance of those duties.

(ii) Any supervisor who assigns additional functions to a staff member without notifying the Department of Human Resource Services in advance may be subject to discipline and held personally financially accountable under Staff Rule 101.3 if, as a result of such assignment, the General Secretariat incurs a liability for the special duties allowance or the reclassification of the post.

(iii) Any supervisor or person in authority who threatens, disciplines, or threatens to discipline a staff member for declining to perform special duties assigned under this Rule because he has not received the corresponding special duties allowance may be subject to discipline under these Rules.

(iv) Supervisors are responsible for reallocating functions in their departments in accordance with budgetary limitations.

(f) A staff member whose post is reclassified in accordance with Rule 102.3 shall continue to perform its duties and responsibilities until the resulting vacancy is filled through competition, and shall receive the allowance for special duties of a higher-level post beginning the day after the date the reclassification is approved by the Secretary General. The auditing and decision-making process regarding the classification of a post shall not exceed six months from the date of receipt by the Department of Human Resource Services of the supervisor's written request for the audit and the required written post description or, as applicable, the staff member's required written request and the written list of changes in job duties and responsibilities. The incumbent of the post being reviewed shall not be entitled to any payment prior to or retroactive from the date of approval by the Secretary General of the post reclassification except as otherwise permitted under paragraphs (a) - (e) of this Rule.

(g) The amount of the allowance for special duties shall be equal to the increase in basic salary and post adjustment to which the staff member would be entitled if he were to be promoted to the level of the post whose functions he is performing. The special duties allowance is nonpensionable and shall not be used as basis for computing the amount of other entitlements.

#### Rule 103.8 Overtime and Compensatory Time

(a) Supervisors may require staff members to work in excess of normal working hours when the needs of the service so demand.

(b) Overtime shall be any time worked in excess of the normal work week.

(c) Only in exceptional circumstances shall staff members be required to work on more than one weekend day.

(d) Staff members in the general services category who are required to work overtime shall be compensated at the rate of 1-1/2 times their regular hourly pay. However, any single period of overtime of less than half an hour shall be disregarded.

(e) The compensation referred to in the preceding paragraph may be given in the form of time off for the number of hours worked. This compensatory time must be taken before the end of the calendar month following that in which the overtime was worked. However, for justifiable reasons and with the approval of the Department or Office director, the compensatory time may be taken within the following six months.

(f) Compensation for work performed on the official holidays listed in Rule 101.2 shall be the regular overtime compensation as specified in paragraphs (d) and (e) above. The Secretary General may require all staff members at Headquarters to work on a particular holiday in the best interests of the Organization. In that event, the Secretary General shall set another working day to be observed as the holiday, and the holiday during which all the staff is required to work shall be treated as a normal working day.

(g) In no case shall overtime be paid to staff members of the professional category, and they shall be entitled to compensatory time off only when they work on the holidays specified in Rule 101.2.

(h) A staff member who is temporarily on mission away from his regular duty station shall observe the schedule of holidays of the duty station where he is on mission rather than the holidays of his regular duty station. He shall not be entitled to any overtime or compensatory time off for working during holidays observed in his regular duty station which are not also observed in the duty station where he is on mission.

(i) The Secretary General may set alternative conditions for overtime work or compensatory time off for staff members serving on temporary missions or on other temporary assignments away from their regular duty stations.

#### Rule 103.9 Night Differential

When a staff member in the general services category works a regular night shift, he shall receive a night differential of 10 percent of hourly pay. This differential shall not apply to staff members assigned to work in any conference of the Organization

#### Rule 103.10 Salary Advance

(a) Upon written request to the Department of Financial Services, staff members may receive salary advances, in addition to the mid-month pay, under the following circumstances and conditions:

(i) Upon departure for official travel or for approved leave involving absence from work for two or more pay days, the amount of the advances shall be equal to the amount that would fall due for payment during the anticipated period of absence.

(ii) When through no fault of his own a staff member does not receive his regular salary check, the amount shall be equal to the amount owed to him.

(iii) Upon separation from service, where final settlement of accounts cannot be made at the time of departure, the amount of the advance may not exceed 80 percent of the estimated final settlement due.

(iv) When a new staff member arrives without sufficient funds, or a staff member is transferred to another duty station, an amount deemed appropriate shall be advanced.

(b) Salary advances may also be granted to staff members in cases of extreme emergency if the request is approved by the Department of Human Resource Services.

(c) The advances referred to in paragraphs (a)(iv) and (b) above shall be deducted from the staff member's salary in equal amounts as determined at the time the advance is authorized, in consecutive pay periods commencing not later than the next pay period following that in which the advance is made, and within a period not to exceed four months.

#### Rule 103.11 Retroactivity of Payments

A staff member who has not been receiving an allowance, pay differential, or other payment to which he is entitled shall not receive such payments retroactively unless he has made written claim within the following periods:

(i) In the case of cancellation or modification of the Staff Rule governing such right, within three months following the date of its cancellation or modification.

(ii) In every other case, within one year following the date on which he would have been entitled to the payment

#### Rule 103.12 Installation Allowance

(a) Subject to the conditions stated below, and except in the case of a mission, a staff member recruited internationally who is sent to a new duty station shall receive an installation allowance for himself and his eligible dependents when he is expected to be at his new station for at least one year and his dependents join him there within six months following the date on which he begins his duties and remain there for at least six months. This allowance shall represent the total contribution for the special expenses that the staff member incurs for himself and his dependents immediately upon his arrival at the new duty station. For the purposes of this rule, dependents are those persons for whom the General Secretariat is obligated to provide transportation (a spouse and dependent children) in accordance with Rule 108.5(a).

(b) The amount of the installation allowance shall be the equivalent of thirty days of subsistence allowance at the appropriate daily rate applicable under subparagraph (c) (i) below in respect of a staff member and at one half that rate in respect of a family member for whom travel expenses have been paid by the General Secretariat. This amount shall be calculated on the basis of the rate prevailing on the date of the staff member's or the family member's arrival, as appropriate.

(c)

(i) The special rates of subsistence allowance for purposes of the installation allowance for specific categories of staff at the various duty stations adopted by the United Nations Secretariat, as published in the corresponding administrative issuances, shall apply, unless otherwise determined by the Secretary General. Where such special rates have not been established, the travel subsistence allowance rates established under Rule 108.14 shall be used in computing the installation allowance.

(ii) Under conditions established by the General Secretariat, as published in the corresponding administrative issuances, the Secretary General may increase extend the limit of thirty days provided in paragraph (b) above up to a maximum of ninety days. The amount of the allowance during the extended period shall be up to 60 per cent of the appropriate rate applicable to the initial period.

(iii) In addition to any amount of allowance paid at the daily rates under this Rule, the payment of a lump sum may be authorized at designated duty stations under conditions established by the Secretary General. The lump sum shall be \$600 for the staff member and \$600 for each eligible family member who joins the staff member at the duty station, up to a maximum of \$2,400.

(d) If a change of official duty station or a new appointment involves a return to a place at which the staff member was previously stationed, the full amount of the installation allowance shall not be payable unless the staff member has been absent from that place for at least one year. In the case of a shorter absence, the amount payable shall normally be that proportion of the full allowance which the completed months of absence bear to one year.

(e) When both husband and wife are staff members traveling at the Organization's expense to a duty station, the installation allowance for a staff member with dependents shall apply to one of them, and the rate for a spouse shall apply to the other. If they have a dependent child or

children, the installation allowance in respect of such child or children will be paid to the staff member on whom each child is recognized to be dependent. With regard to the lump sum provided for in subparagraph (c)(iii) above, the amount payable to both spouses jointly shall not exceed the maximum amount payable under that subparagraph.

(f) The installation allowance shall not be payable in connection with education grant travel.

(g) The Secretary General may, at his discretion, authorize payment of all or part of the installation allowance in cases where the Organization has not been required to pay travel expenses of a staff member recruited internationally.

(h) The Installation Allowance is applicable only to eligible staff members who as of April 1, 2002, were members of the career service or employed under either trust appointments or long term contracts. It is not applicable, however, to any of those staff members who elect to receive a Mobilization Allowance or who separate from service and subsequently are re-employed after that date.

#### Rule 103.13 Education Grant

(a) For the purposes of this Rule:

(i) "Child" means a dependent child under Rule 103.16, except for the purpose of applying Paragraph "d" below;

(ii) "Home country" means the country in which the staff member is entitled to take home leave under Rule 106.4; and

(iii) "Duty station" means the country, or area within commuting distance, national boundaries notwithstanding, where the staff member is serving.

(b) A staff member in the professional category who belongs to the career service or holds a long-term contract and who is not a national or permanent resident or immigrant of the country of his duty station shall be entitled to receive an education grant for each dependent child who is in full-term attendance at a school, university, or other educational center that, in the opinion of the Secretary General, will facilitate the child's re-assimilation in the staff member's recognized home country. However, this grant shall not be payable with respect to:

(i) Attendance at a kindergarten or nursery school;

(ii) Attendance at a free school or one charging only nominal fees at the duty station;

(iii) Correspondence courses, except when the Secretary General considers that no better source is available at the duty station;

(iv) Attendance at a university or similar educational institution at the duty station;

(v) Vocational training or apprenticeship which does not involve full-time schooling or in which the child receives payment for services rendered;

(vi) Private tutoring, except for study of the language of the home country at duty stations where satisfactory school facilities for learning that language are not available; or

(vii) Attendance at teaching centers at the duty station, or away from it, whose classes are given in a language that is not that of the home country of the staff member, unless the Secretary General otherwise determines in accordance with paragraph (n) below that payment of the grant is consistent with its purposes.

(c) For purposes of this allowance, an educational institution located in a country other than that of the duty station, but close enough to it so that the child can travel daily to that institution, shall be understood as included within the duty station.

(d) The grant shall be payable up to the end of the school year in which the child reaches the age of 23 years or completes four years of post-secondary education, whichever occurs first. If the child's education is interrupted for at least one year by national service or by illness, the period of eligibility shall be extended by the period of interruption.

(e) Requests for education grants shall be submitted in writing and supported by evidence satisfactory to the Secretary General.

(f) In the case of attendance at an educational institution outside the duty station, the amount of the grant shall be:

(i) When the institution provides board for the child, 75 percent of the sum of admissible educational expenses and board up to a maximum of \$13,000 a year, with a maximum grant of \$9,750.

(ii) When the child attends as a day student, \$2,900 for board plus 75 percent of the expenses for attendance up to a maximum of \$9,133, with a maximum grant of \$9,750 a year for each child (i.e., \$2,900 for board and \$6,850 for attendance).

(g) In the case of attendance at an educational institution at the duty station, except as provided in subparagraph (b) (iii) above, the amount of the grant shall be the same as in paragraph (f) above; however, no expenses shall be allowed for board, and the maximum grant payable will not exceed the amount allowed for attendance under that paragraph.

(h) Where attendance is for less than two thirds of the school year, the amount of the grant shall be reduced proportionally.

(i) When the period of service of the staff member does not cover the full school year, the amount of the grant for that year shall normally be proportionate to the ratio between the period of service and the full school year, except as provided in Rule 103.18(b).

(j) A staff member whose child attends an educational institution outside his or her duty station shall be entitled to travel expenses of one round trip each school year between the educational institution and the duty station, provided that:

(i) Such travel expenses shall not be paid if the requested journey is unreasonable, either because of its closeness in time to other authorized travel of the staff member or his dependents, or because of the brevity of the visit in relation to the expenses involved.

(ii) Where attendance is for less than two thirds of the school year, travel expenses shall not normally be payable.

(iii) Transportation expenses shall not normally exceed the cost of a round trip between the staff member's home country and the duty station.

(k) The Secretary General will decide in each case whether the education grant shall be paid for tuition for study of the mother tongue. Mother tongue means the official language of the staff member's home country.

(l) Notwithstanding the above, the maximum grant available for reimbursement of expenses of pre-university education shall not exceed 70 percent of the amounts established in paragraphs (f) and (g) above; and the maximum grants established under those paragraphs, may be adjusted, when necessary, at an amount and in accordance with conditions established by the Secretary General.

(m) The grant shall not normally be available with respect to children who are citizens or permanent residents of the duty station country unless the child is studying at a qualifying educational institution in the home country of the eligible staff member parent; however, when in the opinion of the Secretary General, the budgetary resources approved by the General Assembly for the Education Grant so permit, the grant may be temporarily extended, in accordance with paragraph (n) below, to eligible staff members with respect to such children under the age of eighteen for studies outside the staff member's home country.

(n) Further guidelines for determining eligibility for the education grant shall be published in the administrative issuances of the General Secretariat, which may from time to time modify those

guidelines to take into account the funds allocated to the Education Grant in the Program-Budget, together with other reasonable considerations.

Rule 103.14 Salary and Allowances During Special Mission Assignment

(a) The Secretary General may designate certain mission assignments as special, including those for periods of one year or more, during which a travel subsistence allowance shall be authorized in lieu of assignment allowance under Rule 103.15, the installation allowance under Rule 103.12, and the cost-of-living adjustment or post adjustment applicable to the area under Rule 103.2. Where such a designation has been made, the travel subsistence allowance shall be payable to staff members recruited or assigned from outside the area of the mission, and the salaries of staff members assigned from another duty station shall continue to be subject to the cost-of-living adjustment or post adjustment applicable at the duty station from which the staff members were assigned.

(b) The Secretary General shall set the rates and conditions for the travel subsistence allowance payable on each such assignment. Eligible staff members who are accompanied at the place of the mission by their spouse or by one or more dependent children may be authorized to receive a higher rate of allowance than staff members not having such dependents. Where both husband and wife are staff members who are entitled to the travel subsistence allowance, and taking into account Rule 104.14, the allowance will be paid to each at the single rate. If they have a dependent child or children at the duty station of the Mission, the allowance will be paid at the dependency rate to the spouse having the higher salary level and at the single rate to the other spouse. The allowance may be paid wholly or partially in the currency of the mission area or in kind in the form of provision of food and/or lodging.

Rule 103.15 Assignment Allowance

(a) Subject to the provisions of Rules 103.14 and 108.20, an assignment allowance shall be paid to a staff member in the professional category who is appointed or assigned to a duty station outside his home country for a specific period of service.

(i) The allowance will be authorized when a long-term contract for a period of no more than two years is involved, or when the staff member is assigned to a duty station for the same period.

(ii) The assignment allowance may be authorized when the contract is for a term of no less than two years and no more than five, or when the staff member is assigned to a duty station for the same period. Normally, the allowance will be paid when the services are rendered away from headquarters, and removal costs will be paid when services are rendered at headquarters.

(b) The allowance will not be paid to a staff member for more than five years for service in one duty station.

(c) The allowance will normally not be paid when a staff member is assigned to a duty station for less than one year; however, appropriate subsistence payments will be made where this allowance is not paid.

(d) When the allowance has been paid for an initial period and the contract or assignment is extended for an additional fixed term at the same duty station, payment of the allowance may be continued, subject to the limit established in paragraph (b).

(e) When a staff member has served under contract at one duty station for five years, the assignment allowance shall cease, and the person concerned shall acquire the right to payment of moving expenses.

(f) In exceptional cases, the assignment allowance may be paid to a staff member who, after having rendered at least two years of service at a duty station outside of his home country, is sent to another duty station in the same country.

(g) The assignment allowance shall equal 3 per cent of basic salary of a P-4, step 6 staff member, computed on the basis of the salary scale (with dependents or without dependents) to which the staff member is entitled.

(h) When both husband and wife are staff members, the assignment allowance shall be paid to the one with the higher salary.

Rule 103.16 Dependency Allowance

(a) A staff member who belongs to the career service or holds a long-term contract and who satisfies the Secretary General that he or she has a primary dependent, i.e., a dependent spouse or dependent child, or has a secondary dependent, shall be entitled to a dependency allowance. The amount of the dependency allowance for primary and secondary dependents shall be established and paid in accordance with the schedules for professional and general services staff implemented by the UN Secretariat.

(i) Professional staff members paid under the salary schedule for staff members with a primary dependent shall not be eligible for the dependency allowance for the first primary dependent except in those cases in which the primary dependent is a disabled child.

(ii) Where a staff member or his or her spouse receives a direct governmental grant, by way of a cash payment or tax benefit, with respect to his General Secretariat income in respect to the same child or other eligible dependent, the dependency allowance payable under this Rule shall be reduced by the amount of that grant.

(iii) The amounts of this allowance shall be equal to the corresponding amounts paid by the UN Secretariat pursuant to the pertinent schedules.

(b) Staff members shall make claims for dependency allowance to the Department of Human Resource Services in writing, accompanied by documentary evidence as required by that Department. For each child claimed as a dependent, the staff member must also certify in writing that he or she provides the main and continuing support. Staff members shall also immediately report to the Department of Human Resource Services any change in the status of a dependent or in their own status affecting the payment of this allowance. Changes in amounts paid for dependency allowance shall be made effective on the first day of the month in which the change occurs or the first day of the month in which the change is reported to the Department of Human Resource Services, whichever is deemed appropriate by the Director of that Department in each case. The making of any false claim or certification for this benefit or failure to make timely notification of such changes may result in disciplinary action, including dismissal, and the General Secretariat may deduct from any payments owed the staff member, including salary and benefits, any amounts paid as a result of the staff member's false claims and certifications or failure to notify the Department of those changes.

(c) A secondary dependency allowance shall be paid for not more than one dependent parent, brother, or sister, and such payment shall not be made when a payment is being made for a dependent spouse.

(d) The following definitions shall govern the payment of dependency allowance:

(i) A dependent spouse shall be a spouse whose occupational earnings, if any, do not exceed the lowest entry level salary ("cutoff salary amount") of the United Nations General Service gross salary scales in force on January 1 of the year concerned for the duty station in the country of the spouse's place of work. Nonetheless, in the case of staff in the Professional category or above, the cutoff salary amount shall not at any duty station be less than the equivalent of the lowest entry level salary at the base of the UN salary system.

(ii) A dependent child shall be the natural child, adopted child, or stepchild of a staff member, under the age of 18 years or, if the child is in full-time attendance at a school or a university or similar educational institution, he shall be considered a dependent child up to the end of the school year in which he reaches the age of 21 years. If the child is totally and permanently disabled the requirements as to school attendance and age shall not apply.

(iii) Where divorce has occurred and the child does not reside with the staff member, dependency allowance will be payable only where the staff member submits satisfactory documentary evidence that he has assumed responsibility for the main and continuing support of the child.

(iv) A dependent parent, brother, or sister shall be a parent, an unmarried brother, or an unmarried sister for whom the staff member provides 50 percent or more of his or her financial support, and in any case at least twice the amount of the dependency allowance, provided that the brother or sister is under the age of 21 years and in full-time attendance at a school, university, or similar educational institution. In that case, he or she shall be considered a dependent up to the end of the school year in which he or she reaches the age of 21 years. If the brother or sister is totally and permanently disabled, the requirements as to school attendance and age shall not apply.

(e) A married staff member whose spouse's gross occupational earnings exceed the lowest entry-level salary for the duty station will not be eligible for payment of a dependency benefit in respect of a child in the form of salary and post adjustment at the dependency (primary dependent) rates under these Rules unless his pensionable remuneration under the salary scale for staff members without primary dependents and post adjustment for that scale equals at least two thirds of the gross occupational earnings of his spouse.

(f) Staff members with children between the ages of 18 and 21 who are not eligible for the education grant but for whom they receive the dependency allowance must submit a certificate of school attendance at the end of each school year. Failure to do so will result in discontinuance of the allowance.

#### Rule 103.17 Non-resident Allowance

(a) Staff members in the General Service category serving at designated duty stations who have been recruited from outside the country of their duty station or in respect of whom the General Secretariat assumes an obligation to repatriate shall receive a non-resident allowance under conditions determined by the General Secretariat, provided that in no case shall the allowance be paid to a staff member whose home country or nationality is that of the country of the duty station or to a staff member while he or she is otherwise excluded from receiving this benefit under these Rules. The non-resident allowance shall be payable at the rate of \$2,400 a year for a staff member with no dependent spouse or child and at the rate of \$3,000 a year for a staff member with a dependent spouse or child. These rates will change so as to equal those implemented by the United Nations Secretariat in accordance with the pertinent administrative issuances, unless otherwise determined by the Secretary General. The allowance shall be paid for a maximum period of five years at the duty station. Where both husband and wife are staff members entitled to the non-resident allowance, the allowance will be paid to each at the single rate. If they have a dependent child or children, the allowance will be paid at the dependency rate to the spouse having the higher salary level and at the single rate to the other spouse. No staff member shall receive the dependency rate of the allowance unless the dependent spouse or child on which the claim for that rate is based is at the duty station.

(b) Staff members recruited specifically for service with a mission shall not be eligible for the non-resident allowance.

(c) The non-resident allowance shall not be taken into account in determining Retirement and Pension Fund contributions and benefits, medical and any other group insurance contributions, overtime and night differential compensation, and payments and indemnities on separation.

#### Rule 103.18 Beneficiaries

(a) At the time of appointment, each staff member shall designate a beneficiary or beneficiaries in writing on a form prescribed by the Department of Human Resource Services. It shall be the responsibility of the staff member to notify the Department of Human Resource Services of any revocations or changes of beneficiaries.

(b) In the event of the death of a staff member, all amounts standing to the staff member's credit will be paid to his or her designated beneficiary or beneficiaries, subject to the application of the

Staff Rules and of the Retirement and Pension Plan Regulations. Such payment shall afford the General Secretariat a complete release from all further liability in respect of any sum so paid. An education grant shall be continued only until the dependent child completes the corresponding school year or, if he does not complete it, until the adult responsible withdraws the child from school. This payment shall free the Organization from all future obligations with respect to the sums paid.

(c) If a designated beneficiary does not survive, or if a designation of beneficiary has not been made or has been revoked, the amount standing to the credit of a staff member will, upon the staff member's death, be paid to his or her estate.

#### Rule 103.19 Reimbursement of Income Tax

(a) Staff members who pay income taxes in relation to their income from the General Secretariat to a member state, or a state or local government within a member state, shall receive reimbursement for those taxes, provided that the Member State where such taxes are paid funds the full amount of said reimbursement. The method for computing the amount of reimbursement under this Rule shall be established by the General Secretariat based on an agreement between the General Secretariat and each member state funding the reimbursement. In the event that an agreement does not establish the method for computing the amount of reimbursement, the General Secretariat shall determine the appropriate method.

(b) Staff members whose posts are funded by voluntary funds or special contributions may receive tax reimbursement on their General Secretariat income, if payment of that reimbursement is not otherwise prohibited. Staff members receiving tax reimbursement under this paragraph must provide evidence of payment of taxes and comply with the provisions of paragraph (c) below.

(c) Staff members seeking reimbursement for income taxes under this Rule shall furnish the General Secretariat with all the information and documentation deemed necessary by the General Secretariat for both computation of the tax reimbursement requested and verification of the tax owed. Reimbursement shall be conditioned upon the submission of such information and documentation as requested. Staff members who fail to provide such information or documentation or who make false statements in relation to same shall be subject to the disciplinary measures provided under these Staff Rules.

#### Staff Rule 103.20 Deductions and Contributions

(a) There shall be deducted, each pay period, from the total payments due to each staff member:

(i) Contributions to the OAS Retirement and Pension Fund in accordance with the provisions of the Fund;

(ii) Deductions for the health insurance premium paid with respect to the staff member and his eligible dependents.

(b) Deductions from salaries, wages, and other emoluments may also be made for the following purposes:

(i) For contributions, other than those stated above, for which provision is made under these Rules;

(ii) For indebtedness to the General Secretariat;

(iii) For indebtedness to third parties when any deduction for this purpose is authorized by the Director of the Department of Human Resource Services;

(iv) For lodging provided by the General Secretariat, by a government, or by a related institution;

(v) For contributions to a staff representative body established pursuant to Article 50 of the General Standards, provided that each staff member has the

opportunity to withhold his consent to, or at any time to discontinue, such deduction by notice to the Treasurer.

Staff Rule 103.21 Mobilization Allowance

(a) Purpose of Allowance: The Mobilization Allowance is an allowance given to an internationally recruited staff member to cover the moving, travel, and other transportation expenses incurred by a staff member in transporting the staff member, the staff member's family, and their personal property upon recruitment or upon transfer to and from another duty station.

(b) Eligibility: The Mobilization Allowance shall be payable to any eligible staff member who does not receive the Installation Allowance and who is otherwise eligible to receive the Mobilization Allowance. Subject to subsection "e" below, an eligible staff member for purposes of receiving the Mobilization Allowance under this Rule is any internationally recruited staff member who is sent to a new duty station in another country or at a place at least one hundred and fifty miles from where he was recruited in his home country for more than one year. Home country for purposes of this Rule, is the place where a Staff Member must take home leave under Staff Rule 106.4(c).

(c) Amount: The amount of the allowance shall be \$9,000 for a staff member without eligible dependents; \$12,000 for a staff member with one eligible dependent; and \$15,000 for a staff member with more than one eligible dependent. Eligible dependents are those defined as "eligible" in Staff Rule 103.16.

(d) When Payable: The Mobilization Allowance is due and payable in its entirety with respect to the staff member once the staff member arrives at the new duty station; however, the Secretary General may advance up to 50% of the allowance prior to the move upon the staff member's request. The additional amount for dependents shall be payable within nine months of the staff member's arrival, provided those dependents join the staff member in the duty station within that period; however, the staff member shall reimburse the Secretariat the amount paid for any dependent who does not remain in the duty station for at least six months following that dependent's arrival.

(e) Adjustments and Reimbursements

(i) A staff member whose contract is for a period of less than two years, but more than one year, shall receive an adjusted allowance as follows: For contracts more than one year but less than fourteen months -- 50%; for contracts fourteen months or more but less than sixteen months -- 60%; for contracts of sixteen months or more but less than eighteen months --70%; for contracts eighteen months or more but less than twenty months --80%; for contracts of twenty months or more but less than twenty-two months -- 90%; for contracts of twenty-two months or more but less than two years -- 95%. Any extension of a contract for more than one year shall be taken into account in determining the amount of this adjustment. A similar adjustment shall apply to an eligible staff member who is transferred from one duty station to another for a period of more than one year but less than two years.

(ii) A staff member with a contract of two years or more who resigns or is separated from service under Staff Rule 110.5 or Staff Rule 111.1(b)(v) shall return to the Secretariat a percentage of the allowance based on the duration of service completed prior to separation from service as follows: For less than one year of service -- 100%; for more than one year but less than fourteen months of service -- 50%; for more than fourteen months but less than sixteen months of service -- 40%; for more than sixteen months but less than eighteen months of service -- 30%; for more than eighteen months but less than twenty months of service -- 20%; for more than twenty months less than twenty-two months of service -- 10%; for more than twenty-two months but less than two years of service -- 5%. A similar adjustment shall be made for a staff member who is transferred to a new duty station but resigns or is separated from service under Staff Rule 110.5 or Staff Rule 111.1(b)(v) before completing two years of service in that duty station.

(iii) The Secretary General may increase the amount of this allowance under subsection "c" above in any year by a percentage no greater than the over-all percentage increase in the Program-Budget for the corresponding year.

#### **CHAPTER IV TYPES OF EMPLOYMENT, SELECTION AND PROMOTION**

##### Rule 104.1 Types of Employment

(a) Employment in the General Secretariat shall be of one of the following types:

(i) Permanent staff members, who shall make up the career service;

(ii) Staff members on contract for a limited time;

(iii) Staff members in positions of trust, appointed at the discretion of the Secretary General to hold the posts so defined in Rule 104.4. Such appointments shall last as long as the Secretary General is in office and the appointees enjoy his confidence;

(iv) Local professional staff members with professional degrees contracted as specialists to work in accordance with the labor laws of the country in which they provide services as determined by the Secretary General, as specified in Rule 104.18;

(v) Temporary Support Personnel, as specified in Rule 104.19, who are contracted locally and to the extent feasible, in accordance with the conditions of the duty station in which they serve, for the sole purpose of providing support services to temporary projects, observer missions, and other temporary activities carried out by the General Secretariat in the Member States, and

(vi) Associate staff members are persons temporarily appointed primarily to perform functions of a professional, technical, administrative, or scientific nature, in accordance with agreements or contracts concluded with other institutions participating in programs of common interest, or to provide services ad-honorem with the authorization of the institutions to which they belong, as specified in Rule 104.17.

(b) No staff member who is working under contract, whether for a limited time, through an appointment to a position of trust, as a local professional, or as an associate staff member, regardless of the terms of the contract or the nature of the functions or tasks he is performing or has performed, may be considered a career service member; this does not preclude his right to compete to enter the career service if he otherwise meets the conditions established for that purpose.

(c) The General Secretariat may also contract consultants and other services through general performance contracts and specialized performance contracts for the provision of language services and conference-related services. Persons performing services pursuant to those contracts shall not be staff members or employees of the General Secretariat and shall not have the benefits of staff members and employees under these Rules.

##### Rule 104.2 Career Service

The career service shall be governed by the following principles:

(a) General provisions

(i) The career service is composed of those staff members who held permanent appointments as of December 31, 1982, and of those who subsequently enter that service in accordance with this Rule.

(ii) Career-service status is independent of the post, functions, or tasks performed. Career staff members shall perform, without losing that character, any function, task, or post corresponding to their grade which the Secretary General, taking into account their abilities and the needs of the service, may deem it appropriate to assign them.

(iii) Inherent in the status of career-service member shall be the right not to be separated from the service except on the grounds expressly set forth in Chapter X of the present rules.

(iv) The Secretary General shall give preferential consideration to members of the career service and, other conditions being equal, to those of greatest seniority in it, to fill vacancies and to continue in service when reductions are made in the staff of the General Secretariat.

(b) Competition for entry into the career service

(i) Entry into the career service shall in all cases be on the basis of competition open only to staff members who, as of the closing date for the presentation of applications, have served continuously for the three-year period immediately preceding that date. Staff members who hold a position of trust shall not be eligible unless they served at least three years continuously under a non-trust appointment prior to being nominated to their trust position. Staff members who joined the General Secretariat after November 25, 1985, must, in addition, have been selected through competition to occupy a post pursuant to Rule 104.5 and must occupy a post funded by the Regular Fund at the closing date.

(ii) Entry into the career service may take place only when a vacancy exists in the category to which the candidate belongs. The competition referred to in the preceding subparagraph shall take place once a year, on a date determined by the Secretary General.

(iii) The Department of Human Resource Services shall notify the staff of the competition at least 30 days before it is to take place, so that those interested may present their candidacies with information and documentation supporting their qualifications. The Department shall also organize all documentation pertaining to the competition, complete it when necessary, and submit it to the Advisory Committee on Selection and Promotion referred to in the subparagraph (iv) below, so that the Committee may formulate its recommendations to the Secretary General.

(iv) The Secretary General shall establish an Advisory Committee on Selection and Promotion to advise him in selecting those candidates who shall enter the career service as well as candidates to fill vacancies in accordance with Staff Rule 104.5. The Committee shall be composed of the following members: the Assistant Secretary General, who shall act as Chairman; staff members appointed by the Secretary General from the different areas of the General Secretariat and who are at least at the P-5 grade level; and the President of the Staff Association or his representative. The Director of the Department of Human Resource Services, or his representative, will act as secretary, with voice but no vote.

(v) The Secretary General shall select staff members for entry into the career service taking into account the principles established in Article 18 (b) of the General Standards and the evaluation of the services rendered by the candidates.

(vi) The number of available career service slots for any grade in the competition shall not exceed one half of the eligible candidates for that grade so as to assure that a true competition on the merits is realized.

(vii) Failure to pass a certified test demonstrating proficiency in two official languages of the Organization is a bar to entry into the career service. The test shall be administered as directed by the Director of the Department of Human Resource Services.

#### Rule 104.3 Employment for a Limited Time

Employment for a limited time shall conform to the following provisions:

(a) The contract shall specify the fixed term of its duration and the date of its expiration.

(b) Notwithstanding the fixed term agreed upon, and without prejudice to the provisions of Chapter X, if the object of the employment was to carry out a specific program or attain a stated purpose:

(i) The contract shall expire before the conclusion of the fixed term agreed upon if, in the opinion of the Secretary General, the specific program has ended or the stated purpose has been attained, in which case the person concerned shall be notified as provided for in Rule 110.4; or

(ii) The contract may be extended by mutual agreement if the Secretary General decides that the specific program shall continue or that the stated purpose has not yet been achieved, in which case the extension shall record the fixed term of its duration and the date of its expiration.

(c) A contract for a limited time does not confer any right either to renewal or to conversion into another type of appointment. This does not preclude the possibility of its being renewed by mutual agreement.

(d) Contracts for a limited time are of four kinds:

(i) **Short term**, when the duration is no more than three years and the staff member is not appointed by way of the selection process set out in Staff Rule 104.5. No staff member may serve for more than three years under one or more short term contracts, regardless of whether the service is non-consecutive.

ii) **Special Observer** Contracts ("SOCs"), which are short-term contracts specifically governed by the provisions set out in Appendix C of these Rules.

(iii) **Long-term**, when their duration is between one and five years and the staff member is appointed by way of the selection process set out in Staff Rule 104.5; however, any contract between one and five years not financed by the Regular Fund and for which the competition has been waived pursuant to Staff Rule 104.5 (d) is also a long term contract. Any extension of a long-term contract, although for less than one year, carries with it the rights of a long-term contract.

(iv) **Part-time**, when their duration is for a fixed term agreed upon but the staff member is required to serve the General Secretariat for half of the normal daily working hours at the duty station.

(e) Except as provided in subparagraphs (f) (i) and (ii) below, staff members contracted for a limited time shall be entitled to receive, in addition to their salary, such benefits as these Rules establish in each case on the basis of the total length of their continuous service in the General Secretariat. The benefits to which the staff member is entitled shall appear in the contract.

(f) The following special provisions shall apply to part-time contracts:

(i) The remuneration and benefits to which holders of such contracts are entitled shall be half of those due to holders of other limited-time contracts of the same duration.

(ii) The length of all periods of "continuous service" referred to in these Rules shall in each case be twice that required of other staff members.

(iii) The periods prescribed in these rules for giving or receiving notice shall be calculated on the same basis as for other limited-time contracts.

(iv) Leave, once accrued, shall be taken in the same manner as for other limited-time contracts.

#### Rule 104.4 Trust Appointments

(a) The following shall be considered positions of trust: Executive Secretaries, Assistant Secretaries, Advisers to the Secretary General and to the Assistant Secretary General, Executive Advisers of the Executive and Assistant Secretaries, the Directors of the Offices of the General Secretariat Away from Headquarters, and the directors and deputy directors of the Departments (including Units, Divisions, and Offices equivalent in structure and responsibility to Departments) and organs as the Secretary General may determine; however, after January 1, 1998, the posts of Directors of the Offices of the General Secretariat Away from Headquarters shall not be trust positions.

(b) The Secretary General may appoint to a position of trust any staff member, whether or not he belongs to the career service, or any person from outside the General Secretariat.

(c) Although appointments to occupy positions of trust are for an indefinite period, those appointed from outside the General Secretariat to occupy such posts shall initially be entitled, in addition to their salary, to the benefits corresponding to employment for a term of more than two years.

(d) When the Secretary General terminates the appointment of a person who holds a position of trust, he shall give the person concerned the notice provided for in the last paragraph of Rule 110.4, except in the case of a member of the career service. In the latter case, the person shall have the right to continue in that service through transfer to a post of the same grade as the one he held before his appointment to the position of trust at a step no lower than the step he would have been entitled to had he not served in the trust position. If the Secretary General cannot relocate him, the staff member will be considered affected by a reduction in force, in conformity with Rule 110.6.

#### Rule 104.5 Competition for Filling Vacant Posts

(a) Except as provided in Section (b) below, the Secretary General shall fill all vacant posts in the General Secretariat by the competitive selection process set out in this Rule.

(b) The Secretary General may fill the following posts without competition:

(i) Positions of Trust;

(ii) Posts to be filled by staff members under contract for a limited time for up to three years;

(iii) Posts by extending at the same grade, the limited time contract of an incumbent who has already been selected for that post or for another of that grade through competition;

(iv) Posts financed by funds other than the Regular Fund and which are filled by staff members under contract for a limited time when a competition is not convenient.

(v) Posts filled through the transfer, in accordance with Rule 105.2, of a staff member who has already been selected through competition for a post of the same grade or whose new post falls under any other of the exceptions stipulated in this or the next paragraph.

(c) The determination of whether a contract for a limited time financed by the Regular Fund for between one and three years requires a competition shall be made by the Director of Human

Resource Services on a case by case basis, upon the request of the Director of the dependency requesting the appointment. Normally, those requests shall be granted for contracts for work on special projects or activities having a definite beginning date and termination date and which do not commence before or expire after those dates. The requesting Director must include in the request a statement as to why the Director believes the appointment without competition is in the interest of the General Secretariat, together with information on the corresponding project or activity sufficient to enable the Director of Human Resource Services to take the appropriate decision.

(d) The determination of whether a contract for a limited time financed by funds other than the Regular Fund for between one and five years requires a competition shall be made by the Director of Human Resource Services on a case by case basis, upon the request of the Director of the dependency requesting the appointment. Normally, those requests shall be granted, provided the requesting Director explains to the satisfaction of the Director of Human Resource Services why the holding of a competition is not convenient, in light of the interests of the General Secretariat.

(e) Any person who has served under contracts for a limited time financed by the Regular Fund for a total of three years, consecutive or non-consecutive, is ineligible to continue serving the General Secretariat under such contracts unless that person is selected through competition.

(f) When the Department of Human Resource Services receives a request to fill a vacant post through competition, it shall publish an announcement of the vacant post. That announcement shall be based on specifications drawn up by the director of the Department or Office concerned. Before publishing the announcement, the Department of Human Resource Services shall review, analyze, and, if necessary, correct these specifications, to ensure that they are in accord with the Classification Standards and with the personnel policies of the General Secretariat. The announcement shall be published not less than 21 days before the closing date for submitting applications.

(g) Once the period indicated in the announcement of the vacant post has ended the Department of Human Resource Services shall send to the director of the Department or Office involved a list of the candidates, indicating which of them appears to fulfill the requirements specified in the announcement, and the documentation pertaining to each. After a review of the information received, and after such interviews as he may deem necessary, the director shall, within 60 days, recommend the candidate he believes should be selected and, if possible, one or two additional candidates whom he also considers suitable. That recommendation shall be sent through the proper channels to the Department of Human Resource Services, so that it may be presented to the Advisory Committee on Selection and Promotion along with any observations and recommendations that the Department of Human Resource Services may consider appropriate.

(h) The Department of Human Resource Services shall convoke a meeting of the Advisory Committee on Selection and Promotion ("the Committee") established under Staff Rule 104.2(b)(iv), or the corresponding sub-committee of that ACSP, to take place within 30 working days after receipt of the recommendation from the pertinent area.

(i) The Committee shall review the information and recommendations presented to it and make its own recommendation to the Secretary General with such explanations as may be warranted. The Committee's recommendation shall be presented to the Secretary General by the Chairman within five working days after a decision has been reached.

(ii) The Chairman of the Committee ("the Chairman") or the Secretary General, by way of Directive, may designate a subcommittee for the purpose of expediting and facilitating the Committee's work. Any subcommittee so designated must include, but is not limited to, the President of the Staff Association or his/her representative and at least two other staff members who are at least at the grade of the post under consideration.

(iii) If a subcommittee is charged with the work of the Committee under this Rule, that subcommittee shall present its recommendation to the Chairman within five working days after taking a decision. The Chairman may, at his/her discretion,

send the subcommittee's recommendation directly to the Secretary General with the Chairman's observations or refer the case to the full Committee for its recommendation. If the matter is referred to the full Committee after prior evaluation by a sub-committee, the Chairman shall present the recommendations of both the sub-committee and the full Committee to the Secretary General within five days of the full Committee's decision. If the Chairman decides not to refer the matter to the full Committee, he/she shall present the subcommittee's recommendation to the Secretary General within five days of receiving it; however, the Secretary General may remand the matter for a recommendation of the full Committee prior to making the selection.

(i) Competitions shall be open to both internal and external candidates except when, in the opinion of the Director of the Department of Human Resource Services, a sufficiently large number of suitable candidates is available among the existing staff. In that case, and also when a vacancy results from the reclassification of an occupied post, the competition may be restricted to internal candidates. The Department of Human Resource Services shall seek to encourage broad participation by qualified candidates.

(j) At any stage of the process prior to his final decision, the Secretary General may cancel a competition.

(k) For purposes of these Rules, the following posts shall be considered vacant: a post not occupied by an incumbent duly appointed in accordance with these Rules; a reclassified post occupied by an incumbent who has not been appointed to that post for a period of a year or more by way of the competitive selection process required under Staff Rules 103.7 and 104.6 and Articles 18(c) and 41 of the General Standards; however, an unoccupied post which is "frozen" or not filled for budgetary reasons is not to be considered a vacant post.

#### Rule 104.6 Selection Criteria

(a) In making their recommendations, the Department or Office director concerned and the Advisory Committee on Selection and Promotion must take into account the following factors:

(i) Efficiency, competence, and integrity primarily, but with due consideration of the need for the staff at all levels to be selected on the basis of as wide a geographical representation as possible;

(ii) Selection without regard to race, creed, or sex;

(iii) Preference to nationals of member states unless, in exceptional circumstances, the needs of the service require the appointment of nationals of other states; and

(iv) For a professional-level appointment, the corresponding university degrees and/or professional license, or demonstration of the conceptual abilities and skills normally held by persons with the corresponding university degree and/or license, by way of satisfactory performance on a standardized university degree equivalency examination equal or similar to the examination given by the United Nations Secretariat for that purpose.

(b) Other conditions being equal, preference shall be given:

(i) First, to members of the career service and, other conditions being equal, to those having the most seniority in it. In the event that two equally qualified candidates have equal seniority in the career service, the preference shall be given to the one with the longest continuous service in the General Secretariat; and

(ii) Secondly, to other members of the staff and, other conditions being equal, to those having the longest continuous service.

(c) If, when a post occupied by a member of the career service is reclassified, he is not selected, the Secretary General shall attempt to transfer him to a vacant post: (i) which has the same grade as the post he occupied prior to its being reclassified and (ii) for which he meets the minimum requirements. If the Secretary General cannot relocate him, the staff member will be considered affected by a reduction in force, in conformity with Rule 110.6.

#### Rule 104.7 Employment Offer and Acceptance

(a) Once the Secretary General has made his decision on the selection of a person to occupy a post in the General Secretariat, the Department of Human Resource Services shall send the person selected an offer of employment, which shall state:

- (i) That it constitutes an official offer of employment;
- (ii) The nature and terms of the employment;
- (iii) The duties and responsibilities of the post concerned;
- (iv) The duty station;
- (v) The employee's obligation to undergo a medical examination as required under Rule 104.8 in the country in which he is living at the time he receives the offer, and to submit the report to the General Secretariat; furthermore, that the offer is contingent upon the report being acceptable to the General Secretariat;
- (vi) His obligation to present documentary evidence of his professional or academic degree or of his technical training, or his professional license, if he has not already done so;
- (vii) The date and place where he shall report for duty;
- (viii) Information on travel arrangements;
- (ix) That the General Standards to Govern the Operations of the General Secretariat and the Staff Rules form part of the contract and that the contract may be changed to the extent that the General Standards and Staff Rules may be amended;
- (x) The salary and benefits to which he will be entitled; and
- (xi) The period within which he must accept the employment offered and the manner (cable, letter, etc.) in which he should send his reply.

(b) The offer of employment shall be accompanied by a copy of the chapter of the General Standards referring to personnel, a copy of the Staff Rules, a copy of the Retirement and Pension Plan, and a copy of any other internal normative issuances of the General Secretariat applicable to the employment relationship to which the offer refers.

(c) The offer of employment shall not take effect until the corresponding appointment is issued. For the appointment to be issued, the General Secretariat must have found acceptable the physical examination referred to in Rule 104.8 and must have received the following documents duly signed by the candidate:

- (i) This acceptance of the employment offer; and
- (ii) The statements specified in Rule 101.7 (a) and (b) and, when applicable, the statements specified in Rule 101.7 (c).

(d) When the person selected is a member of the career service, the Department of Human Resource Services shall send him, instead of an offer, the notification of his appointment to the vacant post. When the person selected is a staff member under contract, his previous contract will be rescinded and a new one will be issued without the need to repeat in this case any

procedures of the previous appointment that, in the opinion of the Department of Human Resource Services, are redundant.

(e) As provided in Rule 103.3(b), staff members who do not have express written authorization to make binding offers of employment are prohibited from making such offers. Any offer of employment extended without such authorization shall be invalid, and the staff member making that offer may be subjected to disciplinary sanctions and may be required to make restitution to the General Secretariat under Staff Rule 101.3.

#### Rule 104.8 Physical Examination and Inoculations

(a) Before the appointment is formalized, every person from outside the General Secretariat who is selected to fill a vacant post for 6 months or more shall undergo a physical examination to determine whether he meets the physical conditions necessary to perform the job. This examination shall be made by a doctor recommended and paid for by the General Secretariat. A report shall be sent to the General Secretariat. During their employment, staff members shall undergo physical examinations whenever the Department of Human Resource Services so requires.

(b) Staff members may also be required to undergo such medical examinations and receive such inoculations as may be required by the Department of Human Resource Services before they begin working for the General Secretariat and also before they go on or after they return from mission service.

#### Rule 104.9 Effective Date of Employment

The employment of any staff member recruited locally shall be effective as of the date when he begins to perform his duties; for a staff member recruited internationally, it shall be effective as of the date when he begins his official travel to assume his post or, if he does not have to travel, as of the date on which he begins to perform his duties.

#### Rule 104.10 Probationary Period

(a) Every long-term contract is subject to the condition that the person concerned shall serve, starting on the date on which he assumes possession of his post, a probationary period of 6 months, which, in exceptional circumstances, can be extended by the Secretary General. Any extension of the probationary period must be decided and the person concerned notified at least 30 days before the expiration of the current probationary period. In no case may the probationary period exceed a total of 12 months.

(b) The Secretary General may terminate the services of a staff member at any time during the probationary period when he considers it in the interest of the Organization. A staff member terminated under this Rule shall receive 30 days' notice of his termination or, in lieu thereof, the equivalent of 30 days' salary and benefits from the date of the notification to him. The General Secretariat shall, when applicable, pay the expenses of repatriating the person and transporting his personal effects or household goods.

(c) If a staff member is not terminated from service within the first 5 months of his probation, an evaluation of his work performance will be made within the last month of his regular probationary period or of its extensions, as applicable. If the evaluation is satisfactory, the conditions of the probation shall be considered fulfilled. If it is not satisfactory, the services of the staff member shall be terminated in accordance with paragraph (b), above.

(d) If no evaluation is performed of the staff member within the probationary period, his performance will be presumed to be unsatisfactory and he will be terminated effective the last day of the probationary period or its extension, and he shall be paid 30 days' notice as specified in paragraph (b), above.

(e) The evaluation performed under this Rule is not governed by the terms of Rule 105.9. It shall be in narrative form and prepared by the staff member's supervisor or the director of the Department to which the staff member is assigned. The narrative shall evaluate, against the requirements and functions set out in the job description (or vacancy notice if no job description is available) the staff member's efficiency, competence, and integrity during the probationary period up to the date of the evaluation.

#### Rule 104.11 Continuity of Service

(a) The reemployment of a former staff member of the General Secretariat shall be considered a new appointment and shall be governed by the provisions pertaining thereto without taking into account the previous period of service, except as provided in paragraph (b) below.

(b) If the former staff member had belonged to the career service and fewer than 12 months have elapsed since the date of his separation (or longer if the separation was due to disability as defined by the Retirement and Pension Plan) he may request reinstatement to the service of the General Secretariat at the time of his application. This reinstatement of an ex-career staff member does not imply that he will retain his career status; his eventual re-entry into the career service shall be subject to the provisions of Rule 104.2(b). On reinstatement, he shall return to the Organization any monies he received on account of separation and his service shall be considered as having been continuous; the interval between separation and reinstatement shall be considered special leave without pay. The staff member's reinclusion in the Retirement and Pension Plan shall be governed by the provisions of that Plan.

#### Rule 104.12 Information Required of Staff Members

(a) Within a month following his appointment, if he has not already done so, a staff member shall present documentation on his nationality, marital status, dependents, and home country, and whatever other documents may be necessary to support his administrative status, in accordance with the General Standards and these Rules. He must notify the Department of Human Resource Services promptly, in writing, of any subsequent changes in his status.

(b) The Secretary General may at any time request a staff member to supply any additional information on his background, qualifications, integrity, conduct, or service that may be relevant to his employment as a staff member.

(c) A staff member who is arrested, charged with an offense other than a minor traffic violation, or summoned before a court as a defendant in a criminal proceeding or convicted, fined, or imprisoned for any offense other than a minor traffic violation shall immediately report that fact to the Secretary General.

(d) The refusal or failure of a staff member to provide the information required under this Rule promptly and completely may result in disciplinary action, including dismissal from service.

#### Rule 104.13 Nationality and Immigration Status

(a) The General Secretariat shall recognize only one nationality for each staff member.

(b) When a staff member has more than one nationality, his nationality for the purposes of these Rules shall be that agreed upon at the time of his appointment.

(c) In order to preserve geographic distribution, members of the career service should maintain the nationality they had at the time they entered it.

(d) Any staff member who wishes to change his immigration status in the country in which he is performing his duties shall notify the Department of Human Resource Services in writing before presenting an application to the competent authorities of that country. The Department of Human Resource Services, in turn, shall inform the staff member as to the possible consequences of the change.

#### Rule 104.14 Family Relationships

(a) No appointment to the staff of the General Secretariat shall be granted to the following relatives of a staff member: spouse, son or daughter, stepson or stepdaughter, father or mother, stepfather or stepmother, brother or sister, half brother or half sister, stepbrother or stepsister, uncle or aunt, nephew or niece, first cousin, father- or mother-in-law, son- or daughter-in-law, or brother- or sister-in-law.

(b) If two staff members marry, the benefits and entitlements to accrue to them shall be modified to conform to the pertinent provisions of these Rules and other administrative issuances of the General Secretariat. Efforts shall be made to see that they do not work in the same department after the date of their marriage.

#### Rule 104.15 Local and International Recruitment

(a) The following staff members shall be regarded as locally recruited for purposes of these rules:

- (i) All local professional staff members;
- (ii) All general services staff members; and
- (iii) All staff members assigned to international professional and trust positions located in their home country as designated under Staff Rule 106.4, or in a country in which they have established legal permanent resident status.

(b) Internationally recruited staff members shall be all those staff members who are not locally recruited. Unless otherwise stated in these Rules, the allowances and benefits generally available to internationally recruited staff members include payment of travel expenses upon initial appointment and upon separation for themselves and their spouse and dependent children, moving expenses for household effects, home leave, the repatriation grant, the education grant, and the assignment allowance.

(c) A staff member who enjoys the benefits accorded internationally recruited staff members under these Rules will lose those benefits: (i) if he becomes a permanent resident or citizen of the country of the duty station to which he is assigned or (ii) if he is subsequently transferred and assigned to a duty station which is defined as his home country under Rule 106.4.

(d) A staff member regarded as locally recruited shall not normally be eligible for the benefits accorded internationally recruited staff; however, the Secretary General, when he considers it in the interest of the Organization, may commit the Organization to pay moving expenses and the installation allowance to:

- (i) Any locally recruited staff member recruited from a place within the country of the duty station more than one hundred miles from the duty station; or
- (ii) Any general services staff member who is recruited to serve in a trust position within the Office of the Secretary General from a place one hundred miles or more outside the city of the duty station.

#### Rule 104.16 Independent Contractors

(a) Persons whose services are retained under a performance contract of any kind, including, but not limited to, language and conference services contracts, are independent contractors; they are neither staff members nor employees.

(b) No independent contractor is entitled to the conversion of his contract to an employment contract, by judicial order or otherwise. An independent contractor who nonetheless claims entitlement to any employment-related rights or benefits, including those set out in these Rules, must comply with the obligations hereunder, including, but not limited to, those governing the timely petition for Hearing and Reconsideration under Chapter XII of these Rules, and any such claims shall be limited by all restrictions governing those rights or benefits, including, but not limited to, those provided under Rule 103.11.

(c) The benefits and rights conferred upon staff members and other employees under the Charter, these Staff Rules, the General Standards, the resolutions of the General Assembly, and other administrative issuances shall not be applicable to independent contractors.

(d) The relationship between the independent contractor and the General Secretariat shall be governed exclusively by the express written terms of the performance contract they sign and the terms set out in this Rule and the corresponding administrative issuances.

(e) All disputes between independent contractors and the General Secretariat shall be resolved through binding arbitration, unless otherwise expressly agreed in writing by the parties.

(f) Performance contracts may be executed under expedited procedures established by the Secretary General for the purposes of providing temporary language and conference-related services.

(g) Consultants are independent contractors retained under a special performance contract to perform temporary consulting services. In addition to paragraphs (a) - (f) above, the following shall apply to all performance contracts for consulting services:

- (i) In establishing the level of compensation, the Secretary General shall take into account: (a) the nature of the services to be performed, i.e., the complexity, difficulty, and degree of expertise required; (b) the time required to undertake the

work and the market rate for comparable work; and (c) the necessity of obtaining the service required for the lowest possible cost.

(ii) Except as otherwise specified in the pertinent administrative issuances of the General Secretariat, no person shall serve as a consultant for more than 11 consecutive months in any 12 month period.

(iii) Unless otherwise specified in the pertinent performance contract, consultants shall neither seek nor accept instructions regarding their services for the General Secretariat from any government or from any authority external to the Organization of American States. During the period of their services for the General Secretariat, they may not engage in any activity that is incompatible with the discharge of their duties with the Organization. They are required to exercise the utmost discretion in all matters of official business of the Organization. They may not communicate at any time to any other person, government, or authority external to the General Secretariat any information known to them by reason of their association with the General Secretariat which has not been made public, except in the course of their duties or by authorization of the Secretary General or his designate; nor shall they at any time use such information to private advantage. These obligations do not lapse upon the cessation of their service with the General Secretariat. Failure to comply with these obligations is cause for termination of the performance contract.

(iv) Unless the performance contract otherwise provides, the General Secretariat shall be entitled to all property rights, including but not limited to patents, copyrights and trademarks, with regard to material which bears a direct relation to, or is made or produced in consequence of, the services provided to the Organization by a consultant. At the request of the General Secretariat, a consultant shall assist in securing such property rights and transferring them to the Organization in compliance with the requirements of the applicable law.

(v) Consultants shall be remunerated on the basis of the time required to perform the services specified in the contract at an agreed daily, weekly, or monthly rate of payment, or on the basis of a lump-sum payment representing the value of the services to the Organization. If the services of the consultant are provided free of charge, the contract may be issued with nil remuneration for the purpose of providing the consultant with the appropriate status while he is performing the services specified in the agreement and in order to cover travel and related expenses as appropriate.

(vi) The total remuneration payable to a consultant shall be specified in gross terms, and the consultant shall not be entitled to the payment or reimbursement of any taxes due on the remuneration or to any other benefit, payment, or subsidy which is not expressly provided for in the contract under which he is engaged.

#### Rule 104.17 Associate Staff Members

(a) Associate staff members are temporarily appointed primarily to perform professional, technical, administrative, scientific, or support functions in accordance with agreements or contracts with other institutions participating in programs of common interest, or to provide services ad-honorem with the authorization of the institutions to which they belong.

(b) Associate staff members are considered staff members solely for the purposes of securing for them the privileges and immunities necessary for them to carry out their functions as personnel of the General Secretariat and for integrating them into the administrative structure of the project or activity to which they are assigned. They are not staff members for any other reasons, and they are not entitled to any of the rights and benefits of staff members set out in these Rules and in the General Standards. The terms of their relationship with the General Secretariat, including their

compensation and emoluments, shall be established exclusively in the agreement between the institution to which they belong and the General Secretariat.

#### Rule 104.18 Local Professional

(a) Local professional staff members are specialists recruited at the duty station where they are to work. They are not subject to international assignment, have the corresponding professional degrees and/or licenses, and are associated with the General Secretariat by a labor contract in accordance with the labor laws and practices of the country in which they provide services, unless otherwise stated herein. These staff members need not be nationals of the country in which they work; however, they must have the appropriate documentation that allows them to work legally in the duty station.

(b) Salaries for local professional staff members shall be established in accordance with market conditions at a level no lower than the amount paid for work of a similar nature under the corresponding national legislation of the duty station, and no greater than the salaries paid by the United Nations Development Program (UNDP) for work of a similar nature.

(c) Unless otherwise expressly stated in these Rules, in the contract document signed by local professionals, or in the regulations published by the Secretary General pursuant to paragraph (g) below, the benefits and rights accorded staff members under the General Standards, these Rules, the resolutions of the General Assembly, and other administrative dispositions of the Organization, shall not apply to local professional staff members.

(d) Local professionals are bound by the obligations set out in Chapter I of these Rules and the provisions set out in Articles 24-33 of the General Standards. The Secretary General may terminate the services of a local professional for any of the reasons set out in Articles 54 and 55 of the General Standards, or for any of the reasons provided under the local law of the corresponding duty station.

(e) All disputes arising between local professionals and the General Secretariat shall be resolved by binding arbitration, unless otherwise agreed by the parties. In no event, however, shall the General Secretariat be liable to a local professional for any amount in excess of three years' salary.

(f) As determined by the Secretary General, local professionals may become participants in the OAS Retirement and Pension Fund, or the Provident Fund, and the health insurance plans as a substitute for the retirement, health, and social security system provided under the laws of the duty station.

(g) The Secretary General shall further specify the rights and obligations of local professional staff members by way of Executive Order.

#### Rule 104.19 Temporary Support Personnel

Appointments of individuals as Temporary Support Personnel ("TSP") shall be governed by the following provisions:

(a) TSPs are not funded by Regular Fund resources; however, under exceptional circumstances as determined by the Secretary General, they may be funded under a specific temporary project supported in part by the Regular Fund. The General Secretariat shall include in the amount budgeted for each TSP the necessary reserves for all benefits required under the local laws of the duty station, including, but not limited to, termination benefits, accumulated vacation, and termination notice.

(b) Periods of employment under a TSP shall not be counted for determining eligibility for career service nor for any other purpose.

(c) TSPs shall not be participants in the OAS Retirement and Pension Fund; however, they shall participate in the social security system provided under the laws of the duty station. In the event such participation is unfeasible, TSPs shall be provided a monthly lump sum payment equal to the value of the required contributions to the national social security system, or, alternatively, and as determined by the Secretary General, TSPs shall participate in the Provident Plan or other retirement-savings plans established by the General Secretariat for temporary employees and in insurance programs provided by the General Secretariat for temporary employees.

(d) Salaries for TSPs shall be established in accordance with market conditions at a level no lower than the amount paid for work of a similar nature under the corresponding national

legislation of the duty station, and no greater than the salaries paid by the United Nations Development Program (UNDP) for work of a similar nature.

(e) The following Articles of the General Standards shall not apply to TSPs, unless otherwise stated in their individual employment contracts: Article 18 (Career Service); Article 35 (Classification of Posts); Article 37 (Salaries); Article 40 (Medical Examination); Article 41 (Selection to Fill Vacant Posts); Article 43 (Probationary Period); Article 45 (Vacations); Article 46 (Leave); Article 47 (Social Security); Article 48 (Travel, Installation, and Repatriation expenses); Article 54, last paragraph (Separation from Service Notice), and Article 57 (Separation Indemnity).

(f) Unless otherwise provided by Executive Order or the express terms of the Contract Document under which a TSP is contracted, the Staff Rules shall not apply to TSPs.

## **CHAPTER V**

### **CHANGE OF POST OR FUNCTIONS AND WORK PERFORMANCE**

#### **Rule 105.1 Promotions**

(a) A promotion shall be understood to mean the non-temporary advancement of a staff member to a post of a higher grade, in which case the provisions of Rule 103.5 shall apply.

(b) The General Secretariat shall maintain a promotion policy to encourage the promotion of qualified staff members to higher-level posts within the General Secretariat. This policy shall be applied in such a way as to benefit staff members in both the general services and professional categories.

(c) The General Secretariat shall announce vacant posts to the staff members so that they may compete for them.

#### **Rule 105.2 Transfers**

(a) A transfer shall be understood to mean a change of post without a change in grade or salary.

(b) The General Secretariat shall attempt to maintain a policy to allow for lateral movement and rotation of staff members to other positions of the same category and grade within the General Secretariat, to enable them to broaden their experience and knowledge for the benefit of the Organization.

(c) For a staff member to be transferred, he must meet the necessary requirements of the post to which it is proposed he be transferred.

(d) For the purposes of these Rules, when a staff member's post is abolished and he is offered another in the same grade and at the same salary, this also shall be considered as a transfer.

(e) The refusal of a staff member in the professional category to accept a transfer without justified cause shall imply his resignation effective on the date of said refusal. In the case of a staff member in the general services category, his refusal of a transfer without justified cause shall be considered as a resignation only if the transfer is within the same duty station.

(f) An implicit resignation under these Rules shall be construed as a voluntary separation from service and a staff member separated by way of implicit resignation shall have no greater rights than a staff member who otherwise resigns under Rule 110.1.

#### **Rule 105.3 Temporary Assignment of Duties**

(a) A staff member may be assigned temporarily to other duties when this is considered advisable for the best operation of the General Secretariat, or to determine whether that person is capable of performing another type of work. The duties assigned temporarily shall be of such a nature that they correspond to the same grade as the staff member's regular post.

(i) A staff member temporarily assigned to other duties must meet the requirements for performing them.

(ii) The temporary assignment to other duties will not affect the staff member's salary.

(iii) Upon completing a temporary duty assignment, which shall not exceed six months, the staff member shall automatically return to his regular post, or be transferred under the terms of Rule 105.2.

(b) In exceptional circumstances, which must be substantiated, a temporary duty assignment may be extended for a period not to exceed that of the original assignment.

#### Rule 105.4 Reduction in Grade

(a) A staff member may be demoted to a lower grade as a consequence of reclassification of his present post or reassignment to another post of lower grade. The latter may occur:

(i) At the staff member's own request; or

(ii) As an alternative to separation from service in cases of reduction in force after the possibilities for transfer under the terms of Rule 110.6 have been exhausted.

(b) Upon assignment to a post of a lower classification because of any of the reasons indicated above, a staff member's step in the new grade shall be that step which most nearly corresponds to the salary of his previous grade. However, the salary that he receives in the new grade shall in no case be greater than that of the top step of the new grade, except as otherwise stated in paragraph (c) below.

(c) If a staff member is demoted to a lower grade because of a reclassification of his present position, he shall retain the same salary and benefits that he enjoyed in the earlier grade level.

#### Rule 105.5 Change of Official Duty Station

A change of official duty station shall take place when a staff member is transferred from one duty station to another for a fixed period exceeding six months or for an indefinite period. Assignment of a staff member from his duty station to another for service with a mission or conference of the Organization shall not constitute a change of official duty station within the meaning of this Rule.

#### Rule 105.6 Loan of Staff Members to Other Organizations

(a) The Secretary General may lend the services of a staff member to another international organization, provided that the staff member agrees and that he maintains his rights or entitlement as a staff member of the General Secretariat under his letter of appointment. Inter-agency movements may also take place under other arrangements, e.g., secondment or transfer.

(b) Inter-agency loans of personnel, secondments, and transfers shall be governed by inter-organizational agreements concerning transfer, secondment or loan of staff among the organizations of the United Nations system, other organs of the inter-American system, Permanent Observers, and the Member States.

#### Rule 105.7 Notification of Change in Administrative Status

A staff member shall be notified in writing of all changes affecting his administrative status.

#### Rule 105.8 Training and Career Development

(a) The General Secretariat shall maintain a program for the training of its staff to serve the evolving needs of the Organization through the development of knowledge and skills, the improvement of performance, and the promotion of career advancement.

(b) This program shall include, as a minimum:

(i) Training courses in languages and other skills;

(ii) Partial tuition reimbursement for studies in educational or training institutions approved by the General Secretariat; and

(iii) Special leave for training or specialized research.

(c) In accordance with Article 18(a)(vi) of the General Standards, the General Secretariat shall give preferential attention, in the training program, to stimulating and supporting the improvement of members of the career service.

Rule 105.9 Work Performance Evaluation

(a) All supervisors in the General Secretariat shall make a periodic review and evaluation, at least once a year, of the work performance of the staff members under their supervision. The purpose of this evaluation shall be to determine not only the efficiency with which the staff member has performed his duties, but also his present and potential capacities.

(b) The Department of Human Resource Services shall establish a procedure for conducting evaluations, which shall be published by way of a Personnel Circular.

Rule 105.10 Staff Incentive Awards

The Secretary General shall develop a system for awarding one-time cash incentive awards to be paid to staff members whose performance during a 12-month period is particularly outstanding. No incentive payment to any staff member shall exceed 5 percent of the recipient's basic salary.

**CHAPTER VI  
ANNUAL, SPECIAL, ADMINISTRATIVE AND HOME LEAVE**

Rule 106.1 Annual Leave

(a) During the time in which they are receiving full salary, staff members shall be entitled to annual leave according to the following scale:

(i) Twenty-one working days a year, accruable at the rate of 1.75 days a month, for staff members with not more than three years of service.

(ii) Twenty-four working days a year, accruable at the rate of 2 days a month, for staff members with more than three but not more than five years of service.

(iii) Thirty working days a year, accruable at the rate of 2.5 days a month, for staff members with more than five years of service .

No leave shall accrue while a staff member is receiving compensation equivalent to salary and allowances under Staff Rule 107.4.

(b) Staff members may accumulate, in each calendar year, not more than half of the days indicated in paragraph (a) above; that is to say, not more than 10.5, 12, or 15 days, respectively, up to a maximum of 60 working days.

(c) Staff members under contract for a limited time of less than six months shall not be entitled to annual leave unless, as a result of extensions or new contracts, they have served continuously for more than six months, in which case annual leave shall be credited from the start of their continuous service.

(d) Annual leave may be taken in units of one hour, with a fraction thereof considered a full hour.

(e) Upon completion of service on a mission so designated for these purposes by the Secretary General, any accumulation of annual leave which would otherwise have been forfeited during the periods of service on such mission or within two months thereafter may be used to cover all or part of a later authorized period of leave. Any such leave not used within four months following the staff member's departure from the mission area shall be forfeited.

(f) A staff member may, in exceptional circumstances, be granted advance annual leave up to a maximum of 10 working days, provided his service is expected to continue for a period beyond that necessary to accrue the leave so advanced.

(g) Department and Office directors are authorized to grant annual leave. Advance annual leave shall require the approval of the Director of the Department of Human Resource Services.

(h) Staff members must obtain prior written approval of an absence on annual leave. In granting approval, as much consideration as possible will be given to the personal circumstances and preferences of the staff member. A staff member unable to return to work in accordance with his original plans must, before his leave is over, request the necessary extension and explain the reasons.

(i) Leave may be taken only when authorized. If a staff member is absent from work without authorization (including tardiness, departure before closing time, or taking a lunch period in excess of the allotted time), the payment of salary and allowances shall cease for the period of unauthorized absence; at the option of the supervisor, the unauthorized absence may be charged

to the staff member's annual leave if there is accrued leave in the staff member's account sufficient to cover the absence.

(j) All decisions with respect to annual leave shall be subject to the needs of the service, as determined by the Secretary General. Those needs may require that leave be taken by a staff member during a period designated by the Secretary General.

#### Rule 106.2 Special Leave

(a) Special leave means leave granted to staff members for such periods and on such terms as the Secretary General may determine in order to enable them to fulfill their civic obligations, to pursue studies to improve their knowledge and skills or to conduct research in the interests of the Organization, or, subject to paragraph (g), to take temporary employment outside the Organization. It may also be granted in cases of prolonged illness, for child care, or for other important reasons that are in the interests of the Organization as determined by the Secretary General.

(b) Special leave shall normally be without pay, unless otherwise specified in these Rules or unless the Secretary General has determined that it is in the interests of the Organization to grant special leave with full pay or with partial pay in accordance with paragraph (a) above. The Secretary General may publish guidelines for making that determination in the administrative issuances of the General Secretariat.

(c) Special leave with full pay shall be granted:

(i) For the time a staff member must devote to jury service, when required to serve by the pertinent authorities, provided that the fee paid him by the court is turned over to the General Secretariat; or

(ii) When a staff member exercises his voting rights, provided this is on a working day and does not exceed two hours. When a staff member can demonstrate to the satisfaction of the Director of the Department of Human Resource Services that he requires more than two hours for the exercise of his right to vote, the Director may authorize additional special leave for that purpose.

(d) Special leave without pay shall be granted to a staff member who is required to enter military service, provided the staff member has completed at least one year of satisfactory service in the General Secretariat.

(e) The Secretary General may require a staff member to exhaust all his accumulated annual leave and all other accumulated leave, except for sick leave, before granting a request to take special leave.

(f) At the option of his supervisor, any staff member who fails to report to work may be placed on special leave without pay in accordance with Rule 106.1(i), without prejudice to disciplinary measures which may apply because of his absence.

(g) Special leave shall not be authorized to permit a staff member to assume a political office or a diplomatic or other representational post; nor shall it be authorized for the purpose of allowing a staff member to perform any other functions that are incompatible with the staff member's continuing status as an international civil servant. In exceptional circumstances, special leave without pay may be granted to a staff member who is requested by his or her Government to render temporary services involving functions of a technical nature.

(h) In exceptional circumstances, for purposes of infant child care or upon the adoption of a child, special leave may be granted under the conditions and for the period established by the Secretary General.

(i) Staff members shall not accrue service credits towards sick, annual, and home leave, seniority, career-service eligibility, maternity leave, annual step increases, termination indemnity or repatriation grant during periods of special leave, whether with or without pay. However, periods of less than one full month of such leave shall not affect the ordinary rates of accrual. Continuity of service shall not be considered broken by periods of special leave.

#### Rule 106.3 Administrative Leave

(a) Administrative leave consists in the authorization received by a staff member to absent himself from the place where he regularly works, either in order to perform duties assigned to him elsewhere, whether at his duty station or away from it, or because of illness or injury covered by workers' compensation under Rule 107.4. Administrative leave granted under this section must be authorized by the Director of the Department of Human Resource Services, as well as by the Office or Department director concerned.

(b) The Secretary General may also place on administrative leave a staff member suspended pursuant to Rule 111.4.

#### Rule 106.4 Home Leave

(a) A staff member whose duty station is outside of his home country and who meets the requirements of paragraph (b) below shall be entitled to travel to his home country at the expense of the General Secretariat once after every two years of qualifying service to spend part of his annual leave there pursuant to paragraph (r) of this Rule. The spirit and intent underlying the home leave benefit is to support and preserve the close familial or personal relationships of the staff member, or his traditional cultural values. This Rule is to be strictly construed and applied in accordance with that spirit and intent.

(b) For a staff member to be entitled to home leave, he must meet the following conditions:

(i) In the performance of his duties, he must have a continuing residence in a country other than that of which he is a national;

(ii) He must have a position in the professional category or, if in the general services category, he must have been recruited internationally;

(iii) He must have a nonimmigrant status in the country of his duty station and not be a national of that country;

(iv) The Secretary General must expect that the staff member will continue in service with the General Secretariat for at least six months after the date upon which he returns from home leave; and

(v) In the cases referred to in paragraphs (d) and (h) below, where he exercises the right to take home leave before he has accumulated the full two years of qualifying service otherwise required between home leave entitlements, it must be expected that he will continue in service for at least six months after the date on which the home leave would have been completed if he had taken it after having acquired the full amount of qualifying service.

(c) For the purpose of this Rule, the home country shall be that of which the staff member is a national, subject to the following conditions:

(i) For purposes of travel and transportation authorization, the place where the staff member must take his home leave shall be the place where he maintained his principal residence immediately prior to his appointment. Subject to the limitations set out in paragraph (m) below, and under exceptional circumstances, the Secretary General may permit a staff member to take home leave in a place in the home country other than where he maintained his previous principal residence.

(ii) With regard to a staff member who has worked in another international public organization immediately prior to his appointment, the place in the country where he must take home leave shall be the place designated when he joined that other organization.

(iii) In exceptional and compelling circumstances and subject to the conditions set out in paragraph (m) below, the Secretary General may authorize a staff member to take the home leave referred to in this Rule in a country other than

that of which he is a national. To be able to benefit from this provision, the staff member must prove to the Secretary General's satisfaction that for a prolonged period before his appointment he maintained his regular residence in that other country, that he has close family or personal ties there, and that taking his home leave in that country is not inconsistent with the spirit and purposes of this benefit.

(iv) This entitlement shall not apply in a state that is not a member state of the Organization.

(d) The staff member may start his home leave during the six months before or following the date on which he completes two years of qualifying service for this purpose, with the exception of the first trip to the country of origin, which may not be advanced.

(e) In computing years of service for the purpose of this rule, all service rendered continuously shall be credited. For a staff member who changes his status from immigrant to nonimmigrant, or who moves from the general services to the professional category, the date of that change shall be the start of qualifying service.

(f) When a staff member has been on special leave whether with or without pay, his right to home leave shall be postponed for the period corresponding to that leave.

(g) A staff member:

(i) who voluntarily separates from service within six months following his return to work after home leave, or

(ii) who takes his leave in accordance with paragraph (d) or (h) of this Rule, and then voluntarily separates from service within six months after the date that the home leave would have been completed if taken after the full amount of qualifying service had been acquired, must reimburse the General Secretariat for the cost of the trip and for any other payments made to him for the purpose. Otherwise, those amounts will be deducted from the final settlement of accounts.

(h) In exceptional circumstances, a staff member may be granted home leave in advance, provided that at least 12 months of qualifying service have elapsed since the date of his return from his last home leave. The granting of advance home leave will not advance the date on which the staff member may take the next home leave.

(i) When, in the judgment of the corresponding Department or Office director, the staff member's duties require postponement of home leave beyond the six months indicated in paragraph (d) above, the postponement will not result in a delay in his next home leave. However, any such postponement shall be limited to one year.

(j) If home leave is postponed for reasons other than those specified in paragraph (i) of this Rule, the staff member will not be entitled to take the next home leave until two years after the date on which he left for the home leave postponed. This is the date that will be used in the future to compute the years of service necessary for home leave. Notwithstanding the foregoing, this Rule shall not prevent the staff member from advancing his next home leave in accordance with paragraphs (d) and (h).

(k) A staff member who has received an advance of funds for home leave must return it to the General Secretariat if it is necessary to postpone the trip for more than 30 days.

(l) Whenever it is to the benefit of the Organization and where there is no undue hardship to the staff member, the General Secretariat may avail itself of the opportunity to combine home leave with official travel. In this case, the time necessary to travel to the country of origin shall be considered administrative leave, and such travel as may be required in connection with the official trip shall be subject to the provisions of Rule 108.1.

(m) Home leave travel shall consist of round-trip economy air transportation by the most direct route from the staff member's duty station and also transportation, other than that which may be covered by the terminal expense allowance, by such additional modes as may be required to reach the staff member's place of principal residence, if necessary. The Offices of the General Secretariat will purchase the tickets and make the arrangements for the trip. Authorized home leave travel to a place other than the place of principal residence under subparagraph (c)(i), or to

a country other than that of which the staff member is a national under subparagraph (c)(iii), shall not exceed the cost of travel to the place of principal residence and the country of the staff member's nationality.

(n) A staff member authorized to take home leave shall be entitled to claim for himself and his eligible dependents the expenses of the round trip between the duty station and his place of residence in his home country as provided in Rules 108.7 and 108.13, or an equivalent amount if he is authorized to travel elsewhere in accordance with paragraph (m), with the exception of the travel subsistence allowance (per diem) contemplated in Rule 108.7 (a) (iii) for the return trip.

(o) Dependents shall travel with the staff member on home leave, although exceptions may be made if the needs of the service or other special circumstances prevent the staff member and his dependents from traveling together.

(p) When both spouses are staff members and both are entitled to home leave, they may choose to take it separately in their respective home countries or together in the home country of one of them. If the spouses elect to take their home leave together, the home leave authorized for each spouse will not be greater than that to which they would be entitled if they were to take their leave separately. If they have dependent children, these may accompany either the father or the mother but may not make more than one such trip every two years.

(q) A staff member who chooses to make the trip by automobile shall receive the cash equivalent of air fare for two persons, as a maximum.

(r) A staff member who takes home leave and the eligible dependents who accompany him must remain in the home country for at least two weeks. The Secretary General may request the staff member upon his return to present satisfactory evidence of having complied with this obligation.

## **CHAPTER VII SOCIAL SECURITY**

### Rule 107.1 Sick Leave

(a) Staff members who, because of illness or accident, are prevented from performing their work, or who cannot report for work because of measures taken for the protection of public health, shall be entitled to sick leave in accordance with the following provisions:

(i) All sick leave must be approved by the corresponding Department or Office director.

(ii) Staff members holding short-term contracts may be granted sick leave at the rate of two working days per month of service.

(iii) Members of the career service shall have the right to sick leave for up to six months on full salary and up to six months on half salary during any calendar year. The sick leave authorized in any period of four consecutive years may not exceed eighteen months, including nine months on full salary and nine months on half salary.

(iv) Staff members holding long-term contracts shall have the right to sick leave of up to three months on full salary and up to three months on half salary during any calendar year. The sick leave authorized in any period of four consecutive years may not exceed eighteen months, including nine months on full salary and nine months on half salary.

(v) Staff members shall be responsible for informing their supervisors as soon as possible of their absences due to illness or injury. Where possible they should report to the Health Unit of the General Secretariat before absencing themselves.

(vi) Except with the authorization of the Secretary General, no staff member may be granted sick leave for a period of more than three consecutive working days unless he presents a medical certificate to the effect that he is unable to perform his duties and stating the probable duration of the absence. Such certificate shall,

except in circumstances beyond the control of the staff member, be presented immediately upon his return to duty.

(vii) A staff member who takes seven days of sick leave during one calendar year, or a proportional number of days when his period of service is less than one year, without presenting a medical certificate, must justify any other sick leave absence during the same year with a medical certificate; otherwise, the time of such absence shall be deducted from his annual leave or charged as special leave without pay.

(viii) A staff member may be required at any time to submit a medical certificate as to his condition or to undergo examination by a medical practitioner named by the Secretary General. Further sick leave may be refused or the unused portion withdrawn if the Secretary General is satisfied that the staff member is able to return to his duties, provided, however, that if the staff member so requests the matter shall be referred to an independent practitioner or a medical board acceptable to both the Secretary General and the staff member.

(ix) A staff member shall not, while on sick leave, leave the area of the duty station without the prior approval of the Department of Human Resource Services.

(b) Sick leave may also be granted in the following cases:

(i) For illness or confinement of a member of the staff member's immediate family residing in his household when his personal attention is required, as attested to by a medical certificate. This leave may not exceed five working days in a calendar year.

(ii) Death in the staff member's immediate family, wherever the deceased resided, or of a relative who was part of the staff member's household at the time of death. This leave may not exceed five consecutive working days.

(iii) For these purposes, the following shall be considered immediate family: the spouse, children, parents, and brothers or sisters of the staff member.

(c) A staff member on annual or home leave may be granted sick leave after he has been ill for more than three consecutive days, if he presents an appropriate medical certificate or other satisfactory evidence. In this case, the staff member, or any other person on his behalf, must notify the Department of Human Resource Services as soon as practicable of his condition and later present as soon as possible, or immediately upon his return to duty, a request for sick leave with supporting certificate or other evidence.

(d) A staff member shall immediately notify the General Secretariat's Health Unit of any case of contagious disease occurring in, or any quarantine order affecting, his household. A staff member who, as a result of these circumstances, is directed not to attend the office shall receive his full salary and other allowances for the period of authorized absence.

(e) Charges to certified sick leave shall be made in multiples of one hour, with a fraction thereof being considered one hour. The minimum charge without presentation of a certificate shall be four hours. In the case of medical, dental, or optical examination or treatment duly certified, or when the staff member is excused by the staff nurse, the time shown on the corresponding certificate shall be charged.

(f) Entitlement to sick leave shall lapse on the final date of a staff member's appointment.

#### Rule 107.2 Maternity Leave

(a) A female staff member who is a career staff member, the holder of a long-term contract, an appointee to a position of trust, or the holder of a short-term contract, and who will have served continuously for at least one year at the anticipated time of confinement:

(i) Shall be entitled to absent herself from duty until the date of confinement upon producing an acceptable medical certificate that her confinement will probably take place within six weeks.

(ii) Shall be entitled to absent herself from duty for six weeks after confinement.

(iii) Shall receive maternity leave on full pay for the entire duration of her absence in accordance with (i) and (ii) above. No miscalculation on the part of the doctor or midwife as to the date of confinement shall prevent the staff member from receiving full pay to the actual date of confinement.

(b) A female staff member who is a career staff member, the holder of a long-term contract, or a holder of a position of trust, who will have served continuously for less than one year at the anticipated time of confinement shall be entitled to use her sick leave under Rule 107.1 for up to twelve weeks, i.e., six weeks prior to confinement and six weeks immediately after delivery.

(c) A female staff member with a short-term contract and less than one year of continuous service at the anticipated time of confinement shall be entitled to use her accrued sick leave, as well as her accrued annual leave, and on her request, special leave without pay for the rest of her absence in accordance with (a)(i) and (ii) above.

(d) Sick leave, other than that provided for in paragraphs (b) and (c), above, shall not normally be granted for maternity cases except in the event of serious complications requiring a longer absence than that provided by the maternity leave.

(e) Return to duty after maternity leave must be supported by a medical certificate.

(f) Annual leave shall accrue during the period of maternity leave provided that the staff member returns to service for at least six months after the completion of maternity leave.

(g) When a female staff member makes use of special leave with partial pay or without pay, or is suspended from her duties without pay, she shall not lose the rights to maternity leave she has acquired by service rendered. However, when the periods of absence cover one or more complete months, they shall not be counted as qualifying service for maternity leave. Periods of less than a complete month shall be counted for this purpose.

(h) Absence from duty prior to confinement shall not be obligatory, but a female staff member whose confinement is expected to occur within six weeks and who wishes to continue to work must present a medical certificate stating that she is fit for duty.

### Rule 107.3 Health and Life Insurance

(a) The General Secretariat shall contribute to a group health insurance plan for any staff member with an appointment of six months or longer. It shall also maintain a group life insurance plan and a 24-hour accidental death insurance plan for each staff member with an appointment of one year or more. These plans must be approved in consultation with the Staff Committee.

(b) The staff member shall participate in the group insurance plans from the day on which he reports for duty. He shall not be obligated to participate in the health insurance plan if he can demonstrate to the satisfaction of the Department of Human Resource Services that he has comparable benefits under another plan. In this case, the General Secretariat shall not bear any part of the cost of the insurance.

(c) The contributions of the General Secretariat to the insurance plans shall be based, where applicable, on the premium rates established by the respective insurers.

(d) The benefit for life insurance shall not be less than 200 percent of the annual basic salary. The benefit for accidental death insurance shall be an additional 200 percent.

(e) The scales of contributions for payments of health insurance shall be published periodically. The General Secretariat shall pay the whole of the life and accidental death insurance premiums.

(f) A staff member in leave-without-pay status for a period of one year or less shall retain his right to all benefits as a participant, and the General Secretariat shall continue its contribution toward payment of the corresponding premiums. It shall be the responsibility of the staff member to make appropriate arrangements with the Office of the Treasurer before going on leave without pay, for the payment of his share of the premium for health insurance. If the leave without pay is extended for more than a year, the Secretary General may, in exceptional cases, decide that the General

Secretariat shall continue its contribution toward the payment of premiums for such period as he may determine

Rule 107.4 Workers' Compensation for Work-Related Injury and Illness

In accordance with Article 47 of the General Standards:

(a) The General Secretariat shall provide for an adequate system of workers' compensation for its staff members.

(b) When a staff member, regardless of his duty station, is absent from duty because of work-related illness or injury, the absence shall promptly (normally within no more than 48 hours), be reported to the appropriate official of the General Secretariat. For staff members who are injured or who become ill in the United States of America or in a non-member State, or in a Member State where the General Secretariat does not maintain an Office, the appropriate official to contact is the Director of the Department of Human Resource Services. For staff members who are injured or who become ill in a duty station outside headquarters, where the General Secretariat maintains an Office, the appropriate official to contact is the Director of the Office of the General Secretariat in that duty station, who shall immediately forward the information to the Director of the Department of Human Resource Services. After investigating the claimed injury or illness, the Director of the Department of Human Resource Services shall prepare a report on the matter. If the Director concludes that the injury or illness is work-related, the staff member shall be placed on administrative leave in accordance with Rule 106.3, retroactive to the date on which he was unable to report to work as a result of his injury or illness, and all future leave taken in relation to that injury or illness shall be recorded as administrative leave.

(c) In the case of a work related-injury or illness confirmed under this Rule, all reasonably related medical expenses shall be paid by the General Secretariat from a fund maintained for that purpose. Such expenses include, for example, medical, surgical, and vocational rehabilitation services, nurse and hospital service, home care, medicine, crutches, wheel chairs, false teeth or the repair thereof, and or any necessary artificial or prosthetic appliance for such period of time as the nature of the injury or illness or the process of recovery may require.

(d) When an injury from a work-related accident is a principal factor which proximately causes a staff member's death within one year from the date of the accident, the staff member's duly designated beneficiary, or his estate if no such designation was made, shall receive a benefit of three hundred percent of his annual basic salary at the time of the injury, not to exceed three hundred percent of the then-current annual basic salary at the last step of the D-2 level on the with dependent salary schedule. This payment shall be made in addition to his life insurance and, if applicable, his accidental death insurance under Rule 107.3(d).

(e) If, as a result of a work-related accident, a staff member does not die but loses a portion of his body and/or the ability to speak or hear within one year of that accident, the staff member shall, if applicable, receive the payment provided for in the schedule set out in the General Secretariat's insurance policy covering loss of that body part or function. In the event that payment for loss of a particular body part or function is not provided for in that insurance policy, but is included as a compensable loss under the schedule set out in the workers' compensation statute then in force at the "seat of the General Secretariat" under Article 126 of the Charter, then the staff member shall receive a payment for the loss equal to the amount authorized for that body part or function by that statute. With thirty days' advance written notice, the Secretary General may modify or replace the schedule provided for in the insurance policy and statute, provided that any such modification or replacement is reasonable.

(f) Absences resulting from work-related illness or injury that total 12 months in a consecutive two-year period or total 18 months in a consecutive four-year period, which result from work-related illness or injury, shall provide sufficient cause for the staff member's termination from service in accordance with Rule 110.4(a), regardless of whether the staff member has unused sick leave under Rule 107.1. In addition, a staff member who is unable as a result of work-related injury or illness to perform the functions of his post satisfactorily for a total of 12 months in a consecutive two-year period or for a total of 18 months in a consecutive four-year period may be terminated from service in accordance with Rule 110.4(a), regardless of whether he has unused sick leave under Rule 107.1.

(g) Where a physician designated by the Department of Human Resource Services or by the General Secretariat's insurer certifies that a staff member is totally and permanently disabled, and work-related injury or illness is the principal cause of that disability, and: (i) the staff member is less than 62 years old at the time of the onset of the injury or illness, the staff member shall be entitled to receive a benefit equal to two-thirds of his basic annual salary at the time that he is declared totally disabled until he reaches age 65; or (ii) the staff member is at least 62 years old at the time of the onset of the injury or illness, the staff member shall be entitled to receive a benefit equal to two-thirds of his basic annual salary at the time that he is declared totally disabled until he reaches age 65 or such other subsequent age in accordance with the General Secretariat's workers' compensation insurance policy. Any disability benefits to which the staff member is entitled under the OAS Retirement and Pension Plan or under the Provident Plan, including lump sum or periodic annuity payments, shall be applied to the payment of that amount. The General Secretariat may terminate the disability benefit upon receipt of evidence which shows that the staff member is no longer totally and permanently disabled or may withhold or reduce the disability benefit accordingly upon receipt of evidence which shows that the staff member is gainfully employed.

(h) As a condition of receiving and continuing to receive payments of any kind under this Rule, the recipient shall, when so requested by the Director of the Department of Human Resource Services, provide the Director with copies of his medical records, and he shall submit to periodic medical examinations as required by that Director. Such examinations shall be paid for by the General Secretariat. Refusal to provide the records or refusal to submit to any such medical examination shall be grounds for the automatic termination of payments and other benefits under this Rule, and shall result in the person's forfeiture of any rights to receive payments or other benefits from the General Secretariat in relation to said injury or illness.

(i) Where there is a question as to whether a staff member who claims to be disabled is working at another job, as a condition of his receipt of payments or other benefits and/or the continuation of receipt of payments or other benefits under this Rule, he shall, upon the request of the Director of the Department of Human Resource Services, promptly provide the Director with copies of his Federal, State and local tax returns and records. Failure to provide this information on a timely basis shall be grounds for termination, reduction, or withholding of payments and other benefits under this Rule.

(j) Where there is a question as to whether a person receiving benefits under this Rule is working at another job, that person shall, upon the request of the Director of the Department of Human Resource Services, promptly provide the Director with copies of his Federal, State and local tax returns and records. Failure to provide this information on a timely basis shall be grounds for termination, reduction, or withholding of payments and other benefits under this Rule.

(k) Nothing in this Rule shall be construed to accord a non-career staff member whose contract expires while he is suffering from a work-related illness or injury a right to renewal or extension of employment beyond the expiration date of his contract or appointment.

#### Rule 107.5 Compensation for Loss of or Damage to Personal Effects

(a) Staff members shall be entitled, within the limits and under the terms and conditions listed herein, to reasonable compensation in the event of loss of or damage to their personal effects determined to be directly attributable to the performance of official duties on behalf of the Organization of American States.

(i) The staff member shall submit a claim listing the items lost or damaged, their value at the time of the loss or damage, and the circumstances under which the loss or damage occurred.

(ii) The staff member must have taken proper precautions with respect to safeguarding his personal valuables.

(iii) The reimbursement shall be limited to those personal effects that the staff member should reasonably carry or have transported in the light of the duties he is to perform.

(iv) Reimbursement from the General Secretariat shall not exceed the actual value of the personal effects at the time of the loss or damage, less any reimbursement from insurance, transportation companies, or other agencies that may have been responsible, in whole or part, for such loss or damage.

(b) Reimbursement will be denied if such loss or damage was caused by the negligence or misconduct of the staff member.

(c) Reimbursement will be denied for any loss or damage sustained by a private vehicle which was being used for official business, including travel in connection with home leave, when such use of a private vehicle was solely at the request of and for the convenience of the staff member.

(d) Additional guidelines regarding coverage and the corresponding limitations are set out in the administrative issuances of the General Secretariat.

#### Rule 107.6 Participation in the Pension Plan and the Provident Plan

(a) The participation of career staff members in the Retirement and Pension Plan of the Organization of American States is obligatory and shall be governed by the regulations of that Plan.

(b) The Secretary General, in consultation with the Retirement and Pension Committee, shall determine, by means of directives, the participation of staff members who are not members of the career service in the Retirement and Pension Plan and in the Provident Plan.

### **CHAPTER VIII TRAVEL**

#### Rule 108.1 Official Travel of Staff Members

(a) The General Secretariat shall pay the travel expenses of a staff member in the following cases:

(i) To assume his post upon initial appointment or upon assignment to another official duty station;

(ii) To carry out a mission or other official business of the Organization;

(iii) For purposes of home leave, in accordance with Rule 106.4; and

(iv) For repatriation on separation from service, in accordance with paragraph (c).

(b) Travel expenses may be paid for recruitment interviews.

(c) Travel expenses shall be paid to repatriate staff members who are in the professional category or have been recruited internationally, except those on short-term contracts and those in the circumstances set out in Rule 108.4, to their home country or place of recruitment, provided that the trip is made within six months of the date of separation.

(d) A staff member who is eligible to receive repatriation travel may elect another destination and, upon the presentation of the appropriate documentation, may be reimbursed for an amount up to the maximum amount that would have been payable for return travel to his home country or place of recruitment.

#### Rule 108.2 Official Travel of Dependents

(a) The General Secretariat shall pay the travel expenses of a staff member's eligible dependents pursuant to Rule 108.5, under the following circumstances:

(i) On the initial appointment of a staff member who is in the professional category or has been recruited internationally, except those on short-term contracts, provided that his services are expected by the Secretary General to continue for more than six months beyond the date on which his dependents are expected to join him;

(ii) Following completion by the staff member of not less than one year of continuous service, provided that his services are expected by the Secretary

General to continue for more than six months beyond the date on which his dependents are expected to join him;

(iii) On change of official duty station, provided that the services of the staff member at the new duty station are expected by the Secretary General to continue for more than six months beyond the date on which his dependents are expected to join him;

(iv) On home leave;

(v) On separation of a staff member from service, provided that his appointment was for a period of one year or longer; and

(vi) On trips approved in connection with the education of a staff member's dependent child.

(b) In the cases provided for in subparagraphs (a)(i) and (ii) above, the General Secretariat shall pay the travel expenses of a staff member's dependents either from his home country or from the place of recruitment. Should a staff member wish to bring a dependent to his official duty station from any other place, the travel expenses borne by the General Secretariat shall not exceed the maximum amount that would have been payable for travel from the place of recruitment or from his home country.

(c) In the case provided for in subparagraph (a)(v) above, the General Secretariat shall pay the travel expenses of a staff member's dependents from his official duty station to the place to which the staff member is entitled to be repatriated in accordance with the provisions of Rule 108.1. Where both husband and wife are staff members, and either or both are entitled to the payment of repatriation travel expenses on separation from service, and taking into account Rule 104.14 (b), such travel expenses shall be paid for each only upon his or her own separation from service. Where both spouses are entitled to repatriation travel expenses, each staff member shall have the choice either of exercising his or her own entitlement or of accompanying the other spouse, provided that in no case shall such expenses be paid for a staff member while he or she remains in the service of the Organization.

#### Rule 108.3 Official Travel of Dependents - Missions

In the case of service on a mission that is for not less than one year, the General Secretariat shall pay the travel expenses of a staff member's eligible dependents to and from the mission area.

#### Rule 108.4 Loss of Entitlement to Repatriation Travel Expenses

(a) A staff member who resigns before completing one year of service or within six months following the date of his return from home leave shall not be entitled to payment of repatriation travel expenses for himself or his dependents. However, the Secretary General may authorize such payment if he is satisfied that there are compelling reasons for doing so.

(b) Entitlement to repatriation travel expenses shall cease if the travel has not commenced within six months after the date of separation, unless the Secretary General considers that postponement of the trip for up to 12 months is warranted. However, where both husband and wife are staff members and the spouse who separates first is entitled to repatriation travel expenses, and taking into account Rule 104.14(b), his or her entitlement shall not cease until six months after the date of separation of the other spouse.

#### Rule 108.5 Eligible Dependents for Purposes of Payment of Travel Expenses

(a) For purposes of payment of travel expenses, eligible dependents shall be the spouse and dependent children of the staff member as defined under Rule 103.16.

(b) Travel expenses for former dependents to make one trip to the staff member's official duty station or home country shall also be paid, provided that the travel occurs within one year following the loss of dependency status.

(c) The Secretary General may authorize payment of travel expenses for the repatriation of a staff member's former spouse.

#### Rule 108.6 Authority for Travel

All travel must be authorized in advance and, in other than exceptional circumstances, must be in writing. The staff member shall be responsible for ascertaining that he has the proper authorization before commencing such travel.

#### Rule 108.7 Travel Expenses

(a) Travel expenses paid or reimbursed by the General Secretariat shall include:

- (i) Transportation expenses, that is, the price of tickets;
- (ii) Terminal expenses;
- (iii) Travel subsistence allowance (per diem); and
- (iv) Necessary additional expenses incurred during travel.

(b) Staff members shall exercise the same care in incurring expenses as any prudent person would when traveling at his personal expense.

(c) Notwithstanding the above, travel expenses for recruitment and transfer to a new duty station for a staff member who is eligible for and receives the Mobilization Allowance shall not include expenses set out in subsections a(ii)-(iv) of this Rule.

#### Rule 108.8 Route, Mode, and Standard of Transportation

(a) Official travel shall in all instances be by a route, mode, and standard of transportation approved in advance by the Secretary General.

(b) Travel expense allowance and travel time shall be limited to the amount allowable for a trip by the approved route, mode, and standard. Staff members who wish to make other arrangements for personal convenience must obtain permission to do so in advance and pay all additional costs.

(c) Travel shall be by the most direct and economical route and mode of transportation unless it is established to the satisfaction of the Secretary General that the use of an alternative route or mode of transportation is in the best interest of the Organization.

(d) When, in accordance with the provisions of (c) above, travel by air is designated as the normally approved mode of transportation for a particular trip, staff members may be authorized to travel by land or sea if, in the opinion of the Secretary General, there are special reasons for doing so.

(e) When, in accordance with the provisions of (c) above, travel by land or sea is designated as the normally approved mode of transportation for a particular trip, staff members may, notwithstanding such designation, be authorized to travel by air if the exigencies of the service so require or if in the opinion of the Secretary General there are special reasons for doing so.

#### Rule 108.9 Standard of Accommodation

(a) For official travel, staff members and their eligible dependents shall be provided with accommodations in accordance with the following:

- (i) Normally, air travel shall be by the fastest, most direct and economical route. First-class accommodations may be authorized only for the Secretary General and the Assistant Secretary General and their respective eligible dependents who accompany them. Unless specific exception is made at the direction of the Secretary General, all other staff members and their eligible dependents shall travel by jet economy class.
- (ii) For all official travel by train approved under Rule 108.8(c) or (d), staff members and their eligible dependents shall be provided with regular first-class or equivalent accommodation, including sleeper and other facilities, as appropriate. Pullman accommodations with drawing room for overnight travel and parlor-car seat for daytime travel will be provided for the Secretary General and the Assistant Secretary General and their respective eligible dependents who

accompany them. Notwithstanding the foregoing, the cost covered by the General Secretariat may not exceed that of the fare and per diem normally authorized for air travel, in accordance with subparagraph (i) above. Except by express provision of the Secretary General, no more official leave will be granted than that necessary to make the trip by air.

(iii) As a general rule, transportation by sea by staff members or their eligible dependents will not be authorized. However, in exceptional circumstances, when it is authorized upon special request of the traveler and is in his interest, the cost covered by the General Secretariat may not exceed that of the fare and per diem normally authorized for air travel, in accordance with subsection (i) above. Except by express provision of the Secretary General, no more official leave will be granted than that necessary to make the trip by air.

(b) The General Secretariat shall pay only for accommodations actually authorized and used.

#### Rule 108.10 Travel by Automobile

(a) Staff members who are authorized to travel by automobile shall be reimbursed by the General Secretariat at rates and under conditions established by the Secretary General on the basis of operating costs in the area in which the travel is undertaken. An appropriate minimum daily distance for the calculation of the daily subsistence allowance shall be established.

(b) The mileage rate established by the Secretary General shall be payable to only one of two or more persons traveling together on the same trip in the same automobile.

(c) The total of mileage rate reimbursement and travel subsistence allowance for a particular trip shall be limited to the maximum travel expenses to which the staff member would have been entitled had he traveled by the most economical route, as defined by Rule 108.9. Except by express provision of the Secretary General, no more official leave will be granted than that necessary to make the trip by air.

(d) Instructions on the use of a private automobile while on official mission are and will be set forth in applicable Administrative Memoranda.

#### Rule 108.11 Purchase of Tickets

(a) Unless the staff member concerned is specifically authorized to make other arrangements, all tickets for transportation involving official travel of staff members and dependents shall be purchased by the General Secretariat in advance of the travel.

(b) When a staff member wishes to travel with a standard of accommodations in excess of his entitlement, or is authorized to travel, for reasons of personal preference or convenience, by other than the approved route or mode of transportation as provided for in Rule 108.8, he shall be required to reimburse the General Secretariat for any additional costs thus incurred, before he is provided with the tickets.

#### Rule 108.12 Inapplicability of Staff Rules 108.13 - 25 With Regard to Recruitment and Duty Station Transfers for Staff Members Receiving Mobilization Allowance

Staff Rules 108.13 - 25 shall not apply to recruitment and duty station transfer related travel, moving, and other transportation in those cases where the staff member is eligible for and receives the Mobilization Allowance for such travel, moving, and other transportation.

#### Rule 108.13 Terminal Expenses

(a) A staff member on official travel may, at each terminal point, claim terminal expenses for himself according to the established rates and \$3.00, or such other officially established amount, for each eligible dependent traveling with him. Where a trip covers a number of official stops, each such stop will be regarded as a terminal point. The terminal allowance will be deemed to cover expenditures for taxicabs or other means of public conveyance to and from the terminal or other place of departure or arrival, transfer of baggage, airport fees, and all other incidental charges. Where a trip involves multiple destinations, the terminal allowance may be claimed in respect of each arrival and departure at the rate established for each location, except in the circumstances referred to in paragraph (c), below.

(b) In addition to the expenses referred to in the preceding paragraph, a staff member may claim under his terminal allowance any additional cost of transferring any authorized heavy luggage from the terminal to the place where the staff member is going to stay, to the extent that this cost causes the staff member to exceed the corresponding established rate.

(c) There will be no reimbursement for expenses in connection with an intermediate stop:

(i) That has not been authorized;

(ii) That does not involve leaving the terminal or other place of arrival or departure; or

(iii) That lasts less than four hours, does not involve leaving the terminal or other place of arrival, and is made exclusively for the purpose of making an onward connection.

#### Rule 108.14 Travel Subsistence Allowance ("Per Diem")

(a) When a staff member is authorized to travel at the General Secretariat's expense to perform official business functions, he shall receive an appropriate daily subsistence allowance, which may vary from area to area and with salary levels in accordance with the schedule of rates established by the ICSC and as applied by the UN Secretariat, unless otherwise determined by the Secretary General.

(b) The Secretary General may, in exceptional and compelling circumstances, authorize a reasonable increase in the travel subsistence allowance to be paid to a staff member who is required to accompany one of the highest officials of the General Secretariat or a person connected with the Organization and whose official duties while in travel status require additional living expenses at a rate substantially higher than that contemplated in setting the rate for his level. He may also authorize such an increase in the case of a special mission assignment (Rule 103.14).

(c) Travel subsistence allowance shall comprise the total contribution of the Organization toward such charges as meals, lodging, gratuities, and other payments made for personal services rendered. Except as provided in Rule 108.18, any expenditure incurred in excess of the subsistence allowance shall be borne by the staff member.

(d) In the event that an employee on travel status becomes ill and takes sick leave, the subsistence allowance will continue during the sick leave up to a maximum of 10 days.

(e) A subsistence allowance shall be paid for any days on which a staff member is required to perform official business while on annual leave outside of his duty station, and no charge shall be made to leave for those days.

(f) Except as provided in paragraphs (h) and (i) below, when the eligible dependents of a staff member are authorized to travel at the Organization's expense, the staff member shall be paid an additional travel subsistence allowance in respect of each of them at half the rate applicable to the staff member.

(g) Except as otherwise provided in paragraph k below, no travel subsistence allowance shall be payable to a staff member or the dependents of a staff member in respect of any period of annual or home leave.

(h) No travel subsistence allowance shall be payable to the dependents of a staff member in respect of any period of special leave, unless authorized by the Secretary General in exceptional circumstances.

(i) No travel subsistence allowance shall be payable in respect of the education grant of a staff member's child.

(j) Notwithstanding paragraphs (a) and (b) above, the Secretary General may establish a special subsistence allowance to be paid to staff members under special observer contracts or other fixed-term contracts of less than one year's duration, provided that said rate does not exceed the rates established under paragraph (a).

(k) A staff member on home leave is entitled to one day of travel subsistence allowance for the staff member and one half day for each qualified dependent traveling with the staff member.

#### Rule 108.15 Special Travel Subsistence Allowance

(a) The Secretary General may authorize a special rate of travel subsistence allowance to be paid to staff members whose services are required for conferences or meetings for which the General Secretariat provides secretariat services.

(b) In certain cases, by direction of the Secretary General, a special subsistence rate may be given General Secretariat personnel traveling with special delegations or special missions of organs of the Organization when their work situation necessarily requires their proximity to the members of the delegations or missions.

#### Rule 108.16 Reduced Travel Subsistence Allowance

When another organization or a host government pays the staff member's expenses or provides him with food and/or lodging, the subsistence allowance shall be reduced as follows:

(i) If the staff member receives an allowance from the other organization or host government that is less than the applicable General Secretariat rate, he shall be entitled to receive the difference and this amount shall be stipulated in his travel authorization.

(ii) The applicable General Secretariat subsistence allowance rate shall be reduced by 40 percent if either food or lodging is provided, and by 80 percent if both are provided.

#### Rule 108.17 Computation of the Travel Subsistence Allowance

(a) The allowance shall commence from the date of departure from the official duty station. The allowance is calculated for the period covered by multiplying the applicable rate by the number of nights on official travel.

(b) The applicable rate shall be that of the country in which expenses for lodging accommodations are incurred for the date in question.

(c) When the travel is completed in a period of less than 24 hours, and no overnight stay is required, the staff member will receive, in lieu of actual and necessary expenses incurred, 25 percent of the applicable daily rate for each quarter of a day. However, upon request, he may be reimbursed for those expenses.

(d) When the nature of the work requires that a staff member be stationed in one place for an extended period of time, he will be paid the regular subsistence allowance for the first 60 days of assignment. After this period, he will be expected to make new arrangements for lodging and other services, and will be paid the reduced per diem rate for "all personnel after 60 days" set out in the schedule of such rates.

(e) If a staff member who is entitled only to the reduced allowance is required for official reasons to leave for a brief period the place where he has been stationed, he will be paid the full rate applicable to the place being visited from the date of his departure for it. Upon his return to his temporary duty station, he will be paid the full rate applicable to that place for a period equal to the number of nights spent on official travel away from it, after which time his allowance will again be calculated on the "all personnel after 60 days" basis.

(f) When it is necessary, for purposes of computing the amount of travel subsistence allowance payable to a staff member, to specify the "hour of departure" and/or the "hour of arrival", these shall be considered as the time when the train, vessel, or airplane used by the traveler actually leaves or arrives at its regular terminal.

#### Rule 108.18 Miscellaneous Travel Expenses

Necessary additional expenses incurred by a staff member in connection with the transaction of official business or the performance of authorized travel shall be reimbursed by the General Secretariat after completion of the travel, provided that the necessity and nature of the expenses are satisfactorily explained and supported by proper receipts. Such expenses, for which advance authorization shall be obtained to the extent possible, shall normally be limited to telephone, telegraph, radio, and cable messages of official business.

#### Rule 108.19 Excess Baggage and Transportation of Personal Effects

(a) Baggage in excess of the weight or volume carried without extra charge by transportation companies shall be considered excess baggage within the meaning of this Rule.

(b) Charges for excess baggage shall be reimbursed only when authorized prior to commencement of travel except as provided in paragraphs (c) and (d) below.

(c) Charges for excess baggage transported by a staff member because it is required for the official business of the Organization shall be reimbursed, provided the staff member presents with his claim a receipt from the transportation company which sets out the charges for the excess baggage.

(d) When baggage is carried without charge by one transportation company, but considered as excess by a company furnishing subsequent transportation, the traveler may be reimbursed for the charges involved provided that he obtains a receipt from the second company stating the charge it made for excess baggage.

(e) Charges for excess baggage relating to air travel by staff members or eligible dependents on home leave or education-grant travel may be reimbursed up to a maximum of 10 kg (22 pounds) per person. Each dependent child who is not granted a baggage allowance by the airline shall be entitled to a maximum of 30 kg (66 pounds). These reimbursements will cover only costs of transporting clothing and other personal effects. Vouchers will be required on expenses incurred for these purposes. At the request of the staff member, this entitlement may be converted to 50 additional kg (110 pounds) or 0.31 cubic meters (11 cubic feet) of unaccompanied shipment by surface means per eligible person.

(f) On appointment, transfer, or separation where there is no entitlement to payment of moving expenses and on travel to or from a mission assignment of one year or more, a staff member may be reimbursed expenses of transporting his personal effects and household goods by land and/or sea up to a maximum weight of (i) 1,000 kg (2,200 pounds) or 6.23 cubic meters (220 cubic feet) for the staff member; (ii) 500 kg (1,100 pounds) or 3.11 cubic meters (110 cubic feet) for the first authorized dependent; and 300 kg (660 pounds) or 1.87 cubic meters (66 cubic feet) for each additional authorized dependent.

(g) When traveling on appointment or assignment for less than one year or on separation from service in the case of an appointment for less than one year, a staff member may be reimbursed the expenses of transporting his personal effects and household goods by land and/or sea up to a maximum of 100 kg (220 pounds) or 0.62 cubic meters (22 cubic feet). Where the appointment or assignment is extended for a total period of one year or more, the staff member shall be paid expenses for an additional shipment of personal effects and household goods up to the maximum entitlement established in paragraph (f) above.

(h) The reimbursement for the shipping expenses specified in paragraphs (e), (f), and (g) above shall include the weight or volume of packing excluding crating and lift vans. It shall also include reasonable costs for the packing, crating, cartage, unpacking, and uncrating of those personal effects within the limits therein specified. Unless otherwise provided in these Rules, shipment shall be by the most economical mode of transportation feasible in the circumstances, as determined by the General Secretariat, which shall also select the company to be used in each place. No payment shall be made for storage charges other than those directly related to the shipment or for the servicing of appliances, the dismantling or installation of fixtures, or special packing. The General Secretariat shall also pay insurance premiums in accordance with Rule 108.26.

(i) On appointment, transfer, or separation where entitlement to payment of moving expenses does exist, a staff member may be reimbursed for expenses in transporting a reasonable amount of excess baggage by land and/or sea up to the maximum weight allowable under paragraph (f) of this Rule. The weight of such shipment shall be deducted from the maximum allowable under Rule 108.20(d).

(j) Where surface shipment under paragraph (f) or (g) is the most economical means of transport, such shipment may be converted to air freight on the basis of one half of the weight or volume of the authorized surface entitlement:

(i) When a staff member elects to convert the whole surface entitlement to air freight; or

(ii) When, in the opinion of the Secretary General, the conversion to air freight of a portion of the surface entitlement is necessary to meet the needs of the Organization.

If the entitlement is under subparagraph (i), above, twice the weight or volume of the air freight shipment shall be deducted from the staff member's entitlement under Rule 108.20.

(k) Notwithstanding the one-half rule in paragraph (j) above, conversion to air freight on the basis of the full weight or volume may be authorized in the following cases:

(i) Where the cost of air freight is lower than surface shipment;

(ii) Where there is an extraordinary risk of damage to, or loss of, the shipment in transit; or

(iii) Where an excessive shipping delay is expected, particularly for shipment to land-locked countries.

However, for cases involving conversion of surface shipments pertaining to education-grant travel, conversion on the basis of the full weight or volume may be authorized only in the cases indicated above in paragraph (k)(i) and (ii).

#### Rule 108.20 Moving Expenses

(a) When a staff member in the professional category or any other who has been recruited internationally is to serve at a duty station outside his home country for a continuous period of two years or more, the Secretary General shall decide whether the General Secretariat should pay an assignment allowance, as called for in Rule 103.15, or pay the expenses of moving the staff member's personal effects and household goods. In exceptional circumstances, when the services are expected to last at least one year but less than two years, the Secretary General may authorize the payment of moving expenses under this Rule in lieu of assignment allowance under Rule 103.15. Moving expenses may be paid in the following circumstances:

(i) On initial appointment for a period of two years or longer;

(ii) Upon completion of two years of continuous service;

(iii) On change of duty station from one country to another, provided that the staff member is expected to serve at the new duty station for a period of two years or longer; and

(iv) Upon separation from service, provided that the staff member had an appointment for a period of two years or longer or had completed not less than two years of continuous service.

(b) Subject to paragraph (a) above, the General Secretariat shall pay the expenses of moving a staff member's personal effects and household goods either from the place of his recruitment or from the place recognized as his home for purposes of home leave in accordance with Rule 106.4, provided that the personal effects and household goods were in the staff member's possession at the time of his appointment and are being transported for his personal use. In exceptional cases, the Secretary General may authorize the payment of moving expenses from a place other than that specified, under conditions that he deems appropriate.

(c) Subject to paragraph (a) above, the General Secretariat shall pay the expenses of moving a staff member's personal effects and household goods from his official duty station to any one place to which he is entitled to be repatriated in accordance with Rule 108.1 or, in exceptional cases, to any other one place authorized by the Secretary General on such terms and conditions as he deems appropriate, provided that the goods and effects were in the staff member's possession at the time of separation and are being transported for his own use.

(d) The payment shall include reasonable costs for the packing, crating, cartage, unpacking, and uncrating of household goods weighing up to a maximum of 4,900 kg (10,800 pounds) gross or 3,930 kg net or 30.58 cubic meters (8,640 pounds or 1,080 cubic feet) for a staff member without

authorized dependents, and 8,150 kg (18,000 pounds) gross or 6,545 kg net or 50.97 cubic meters (14,400 pounds or 1,800 cubic feet) for a staff member with eligible dependents, and for their shipment by the most economical mode of transportation feasible in the circumstances, as determined by the General Secretariat, which shall also select the company to be used in each place. A higher maximum may be authorized by the Department of Human Resource Services, however, if a staff member has one or more dependents residing with him at his official duty station and presents convincing evidence that his normal and necessary personal effects and household goods to be moved exceed 50.97 cubic meters (1,800 cubic feet). Within the foregoing weight limits, a privately owned automobile may be transported. No payment shall be made for storage charges other than those directly related to the shipment, or for the servicing of appliances, the dismantling or installation of fixtures, or special packing. The General Secretariat shall also pay insurance premiums in accordance with Rule 108.26.

(e) This Rule shall not apply to staff members moving in the case of mission service.

(f) Where both husband and wife are staff members, and each is entitled to the moving of personal effects and household goods, the maximum weight or volume that may be moved at the General Secretariat's expense for both of them shall be that provided for one staff member with dependents residing with him at his duty station.

(g) The General Secretariat may lend money for moving expenses at market rates to a staff member who is ineligible to receive moving expenses under this Rule, or who is otherwise denied payment of moving expenses under the discretionary authority provided in paragraph (a) above. In no event, however, shall the amount loaned to any staff member for moving expenses exceed the total of the separation benefits the staff member is expected to receive upon the expiration date of his contract or appointment, and no such loan shall be made unless the lender grants the General Secretariat a security interest for the amount of the loan in all separation benefits, retirement and pension benefits, and all other emoluments and salary payments due him. All loans made pursuant to this paragraph shall be "indebtedness to the General Secretariat" under Rule 103.20. Further guidelines for such loans shall be established by the Secretary General in the administrative issuances of the General Secretariat.

#### Rule 108.21 Loss of Entitlement to Moving Expenses

(a) In general, a staff member who resigns before completing two years of service shall not be entitled to payment of moving expenses under Rule 108.20.

(b) The General Secretariat will not pay the moving expenses indicated in Rule 108.20(a) if the move has not commenced within one year after the date on which the staff member became entitled to it, or if the staff member's services are not expected to continue for more than six months beyond the proposed date of arrival of the household goods and personal effects.

(c) The General Secretariat will not pay moving expenses on separation from service if the move has not commenced within one year after the date of separation, except that where both husband and wife are staff members and the spouse who separates first is entitled to moving expenses, and taking into account Rule 104.14(b), his or her entitlement shall not cease until one year after the date of separation of the other spouse.

#### Rule 108.22 Travel Advances

(a) Staff members authorized to travel shall provide themselves with sufficient funds to meet all normal expenses, and the General Secretariat shall give them a travel advance for this purpose, if necessary. A reasonable advance of funds against the estimated reimbursable travel expenses, and other expenses authorized by these Rules, may be granted to a staff member or to his dependents.

(b) If, in the course of travel, a staff member is authorized to extend the travel for an additional period of time or to incur additional expenses associated with the official business of the Organization, the staff member will be advanced the balance of the estimated reimbursable expenditures.

#### Rule 108.23 Illness or Accident During Travel

When a staff member becomes ill or is injured during official travel, the General Secretariat shall pay or reimburse reasonable hospital and medical expenses that are not covered by the health insurance plan.

Rule 108.24 Rejection of Claims for Travel Expenses

The Secretary General may reject any claim for payment or reimbursement of travel or moving expenses that are incurred by a staff member in contravention of any provision of these Rules.

Rule 108.25 Transportation of Decedents

Upon the death of a staff member or of a dependent, the General Secretariat shall pay the expenses of transportation of the body from the place of death to the place to which the staff member or his dependents were entitled to be repatriated under Rules 108.1 and 108.2. The reimbursable expenses shall include reasonable costs for the casket and for preparation of the body. The Department of Human Resource Services shall assist the relatives in making the necessary arrangements.

Rule 108.26 Travel and Shipping Insurance

(a) Staff members shall not be reimbursed for the cost of personal accident insurance or of insurance of accompanied personal baggage; however, compensation may be paid in respect of loss or damage to accompanied personal baggage, in accordance with such arrangements as may be in force under Rule 107.5.

(b) In the case of unaccompanied shipments authorized under rule 108.19, except those connected with home leave or education grant travel, insurance coverage will be provided by the General Secretariat up to a maximum of:

(i) \$8,000 for the staff member;

(ii) \$4,000 for the first eligible dependent whose travel is paid by the General Secretariat;

(iii) \$2,400 for each additional eligible dependent whose travel is paid by the General Secretariat.

Such insurance coverage shall not include articles of special value for which special premium rates are charged. The General Secretariat will not be responsible for loss or damage to unaccompanied baggage.

(c) The cost of insurance of personal effects and household goods in transit (excluding articles of special value for which special premium rates are charged) under Rule 108.20 shall be reimbursed, up to a maximum valuation of \$40,000 for a staff member without a spouse or dependent child and \$65,000 for a staff member with a spouse or dependent child residing at the official duty station. The General Secretariat shall in no case be responsible for loss or damage.

(d) For unaccompanied shipments authorized under Rule 108.19, except those connected with home leave, education grant travel, or under Rule 108.20, the staff member shall furnish the General Secretariat, prior to shipment, with an itemized inventory in duplicate of all articles, including containers such as suitcases, and the replacement value in United States dollars of each article in the shipments. Failure of the staff member to provide this inventory to the General Secretariat's satisfaction will constitute a forfeiture and waiver of any rights the staff member may have to claim the insurance benefits provided under this Rule.

## **CHAPTER IX RELATIONS WITH THE STAFF**

Rule 109.1 Staff Association and Staff Committee

(a) In accordance with the provisions of Article 50 of the General Standards, and to maintain constant contact between the staff and the Secretary General, there shall be a Staff Association, whose members shall be the staff members of the General Secretariat. The executive organ of the Association shall be the Staff Committee, which may make proposals and discuss them with the Secretary General or with the representative whom he designates on all matters that are of

common interest to the staff or that affect their present or future welfare, including their working conditions.

(b) In the membership of the Staff Committee, the several categories of staff covered in the classification table should be equitably represented. The Staff Committee shall be elected in accordance with the rules of the Association, adopted by the latter and approved by the Secretary General.

#### Rule 109.2 Facilities and Guarantees for Members of the Staff Committee

(a) The directors of the Departments and Offices in which the members of the Staff Committee are employed shall endeavor to give these members every possible facility for carrying out their duties in connection with the Committee.

(b) No disciplinary or other measures may be taken against members of the Staff Committee for opinions expressed or positions taken in the course of their duties.

#### Rule 110.1 Resignation

(a) A staff member may resign his post in the General Secretariat by giving to the Secretary General the following advance notice:

(i) Sixty days for members of the career service; and

(ii) Thirty days for other staff members.

The period of notice shall appear in the staff member's contract.

(b) The Secretary General may accept the resignation presented by a staff member on shorter notice if he considers that there is sufficient reason.

#### Rule 110.2 Expiration of Contract and Other Non-Career Appointments

(a) All contracts for a limited time shall expire automatically, without notice on the expiration date specified in them, and without indemnity, except as otherwise provided under Staff Rule 110.7.

(b) The termination of a staff member's services during the probationary period is subject to the provisions of Rule 104.10.

(c) Separation from service as a result of the expiration of any contract or any other non-career appointment shall not be regarded as a termination within the meaning of the General Standards and the Staff Rules.

#### Rule 110.3 Retirement

(a) The Director of the Department of Human Resource Services shall give a year's notice to all staff members who are about to reach age 65 and about to complete fifteen or more years of participation in the Retirement and Pension Plan that at that age retirement shall be compulsory. At the same time, he shall initiate the appropriate procedures with the Retirement and Pension Committee. In the event that the Director of the Department of Human Resource Services fails to give such notice within at least one year of the staff member's sixty-fifth birthday, the retirement shall not be effective until one year from the date of said notice, unless the staff member otherwise agrees.

(b) After receiving the notice referred to in the preceding paragraph, and sufficiently in advance of his 65th birthday, a staff member who joined the Retirement and Pension Plan before January 1, 1982, may request the Committee to postpone his retirement, and the Committee may extend his services for periods not exceeding a year at a time if the extensions are deemed beneficial to the General Secretariat pursuant to Section V.2.c of the Plan.

(c) Retirement under the terms of the OAS Retirement and Pension Plan shall not be regarded as a termination within the meaning of the General Standards and Staff Rules.

#### Rule 110.4 Termination of Services

The Secretary General may terminate the services of a staff member:

(a) For prolonged illness or injury, whatever its origin or nature, and for prolonged inability to perform job functions satisfactorily due to illness or injury, whatever its origin or nature. For the purposes of this paragraph, illness, injury, or inability to

perform job functions satisfactorily because of illness or injury shall be considered to be "prolonged" when it exceeds 18 months in a consecutive four-year period.

(b) When it is necessary to abolish a post, as a consequence of:

(i) A reduction in force, or

(ii) The reorganization of an office of the General Secretariat.

Before terminating the services of a staff member for either of the reasons mentioned in this paragraph, the procedures called for in Rule 110.6 must be followed.

(c) When the services of the staff member are unsatisfactory. A staff member's services shall be considered unsatisfactory when so revealed by two or more consecutive work performance evaluations made pursuant to Rule 105.9.

(d) When he does not meet the requirements for service set forth in the General Standards. It is understood that a staff member does not meet these requirements if, *inter alia*, because of conduct not in keeping with those Standards, two or more of the disciplinary measures contemplated in Rule 111.1(b) (iii) and (iv) have been applied to him.

(e) When he has reached 65 years of age.

(f) When, in consultation with the Assistant Secretary General, the Executive Secretaries, the Assistant Secretaries, and the staff member's immediate supervisor, it is considered in the best interest of the Organization. The staff member concerned shall have the right to be heard by the Secretary General and shall be entitled to all the benefits and indemnities to which he would be entitled had his services been terminated for any of the other reasons specified in this Rule.

Every staff member whose services are terminated under this Rule shall be entitled to prior notice of the effective termination date as follows:

(i) For career staff members, the notice period shall be sixty days prior to the effective termination date.

(ii) For all other staff members, the notice period shall be no less than seven days and no more than sixty days prior to the effective termination date, as determined by the General Secretariat and stated in the staff member's Document of Appointment.

(iii) The notice period shall not be considered interrupted for any reason.

(iv) In lieu of actual days of notice, the General Secretariat may instead pay the Staff Member the salary and benefits that correspond to the days of notice not given.

(v) For all staff members under long term contracts as of December 31, 1999, the termination period will be the same as that provided to members of the career service.

#### Rule 110.5 Discharge for Serious Misconduct: Summary Dismissal

(a) The Secretary General may summarily dismiss any staff member for serious misconduct. The following circumstances, among others, shall be considered as serious misconduct:

(i) Abandonment of post.

(ii) Deliberate false statements of a serious nature related to his employment.

(iii) A repetition of the commission or omission of acts that have already given rise to disciplinary measures.

(b) Serious misconduct may also consist of any serious disrespect for the established norms of behavior recognized in the General Secretariat; contempt for the terms of the loyalty oath; acts of moral turpitude or conviction of a felony in the courts of the duty station; any act of harm, calumny, or physical aggression against the General Secretariat or its authorities, or conduct intended to ridicule or discredit them; and any act or omission that could seriously harm the

interests or objectives of the General Secretariat, or any other similar act or omission on the part of the staff member which makes manifest the incompatibility of his continued service.

(c) The procedure for summary dismissal shall consist of giving a hearing to the staff member accused of having committed the misconduct and to the other persons connected with the case, in which the staff member shall be given the opportunity to respond to the charges against him and asked to show cause as to why he should not be summarily dismissed. The Director of the Department of Human Resource Services shall initiate the process by informing the staff member of the charges against him with at least 24 hours' prior notice. The hearing may be conducted before the Secretary General himself or the staff member whom he designates in each case. Based on the hearing, the Secretary General may decide to order the summary dismissal of the staff member; refer the matter to the Joint Disciplinary Committee for recommendations regarding the imposition of a lesser sanction; proceed to separate the staff member from service pursuant to Rule 110.4(f); or dismiss the charges. The Director of the Department of Human Resource Services shall attempt to communicate the corresponding decision to the staff member within 48 hours after it has been taken.

(d) Persons separated from service under this Rule shall not be entitled to the repatriation grant, a termination indemnity, or the advance notice provided under Rule 110.4.

(e) A staff member who is summarily dismissed may appeal that action by requesting Reconsideration as provided under Chapter XII of these Rules and by subsequently filing a Complaint as contemplated by the Statute of the Administrative Tribunal.

#### Rule 110.6 Reduction in Force

(a) Reduction in force is understood to mean the termination of services of one or more staff members because the number of authorized posts for an office of the General Secretariat has been reduced.

(b) The number of authorized posts may be reduced only when budgetary appropriations or allocations have been reduced, when the functions pertaining to a particular post or posts no longer exist, or when it is necessary to reorganize an office of the General Secretariat.

(c) For the purposes of this Rule, reorganization of an office shall be understood to mean the redistribution or elimination of functions assigned to that office within the General Secretariat, so that certain posts become unnecessary.

(i) The term "office" shall be understood to mean the unit equivalent to a Department in which the staff member whose post is eliminated is assigned; in the case of a staff member assigned to the Offices of the General Secretariat in the Member States, it is that Office; in the case of a staff member assigned to unit directly managed by an Executive Secretary, Assistant Secretary, the Assistant Secretary General, or the Secretary General, it is that unit.

(ii) In a reorganization, the total number of posts in an office may decrease, remain constant, or increase; changes in functions or the distribution of functions may require the elimination of one or more posts and the creation of new posts with different functions or requiring different skills or skill levels within the affected office.

(d) The abolition of posts does not necessarily imply a reduction in the number of staff members.

(e) When a reduction in force is necessary, members of the career service shall be given preference over other staff members to continue in service.

(f) An office affected by a reduction in force shall follow this preliminary procedure:

(i) It shall determine the post or posts that are to be abolished.

(ii) If there is a vacant post within the same office, preference shall be given to abolishing it. If this is not possible, the vacant post shall be offered to the staff member whose post is being abolished, provided that the vacant post is not at a higher grade and that he meets the requirements to perform its duties.

(iii) In the event that there is no vacant post within the same office, or that the staff member affected does not meet the requirements for it, the chief of that office shall so inform the Secretary General and the staff member affected.

(g) Thereupon the Department of Human Resource Services shall take the following steps:

(i) It shall prepare a list with the names of all the staff members affected, indicating the grade of each.

(ii) It shall suspend all action on appointments to vacant posts calling for minimum qualifications that might be met by staff members affected by the reduction.

(iii) It shall prepare and publish a list of vacant posts in the General Secretariat, with an indication of the grade of each, so that the staff members affected may inform themselves of the job descriptions and other data pertinent to the vacant positions.

(h) Members of the career service whose posts are affected by the reduction in force shall be offered vacant posts of a grade equal to the ones abolished, provided that they meet the minimum requirements for these posts. In the offers made in accordance with this provision, priority shall be given, when all other conditions are equal, to members of the career service in order of seniority in that service.

(i) If a career staff member is not placed in a vacant position in accordance with paragraph (h) above, the following procedures shall apply:

(i) The staff member affected may displace another who holds a post of the same grade, provided that he meets the requirements for that post and that, other conditions being equal, he has more seniority in the career service. The staff member displaced may, in turn, displace another holding a post of the same grade, under the same terms, and so on successively.

(ii) If a staff member affected cannot be transferred to another post of the same grade in accordance with the provisions of the preceding subparagraph, he shall be offered vacant posts of a lower grade, beginning with the immediately inferior grade, provided that he meets the minimum requirements for the post. If there is no vacancy that can be offered him, or if he does not accept the offer, his services shall be terminated.

(j) Staff members who are separated from service after the provisions of paragraph (i) above have been complied with shall be entitled to preference, within two years thereafter, and in order of seniority, to be appointed to posts of a grade equal to or lower than those they previously held that become vacant or are established subsequently, provided that they are qualified for the posts involved. This provision shall not apply in cases in which the staff member has received indemnity under a judgment handed down by the Administrative Tribunal.

(k) When a reduction in force must be made, the Secretary General shall form a committee to advise him in the cases referred to in paragraphs (h) and (i). This committee shall be made up as follows:

(i) One staff member of a grade no lower than P-5 from each of the Executive Secretariats and Assistant Secretariats. These members shall be appointed by the Secretary General in consultation with the Staff Committee.

(ii) One staff member from the offices that are direct dependencies of the Secretary General or of the Assistant Secretary General. This member shall be appointed by the Secretary General in consultation with the Staff Committee.

(iii) The Director of the Department of Human Resource Services, who will be an *ex officio* member of the committee.

(l) The advisory committee shall have at its disposal the dossiers of the staff members that it considers pertinent and shall make any recommendations that it deems appropriate to settle the cases presented to it as fairly and equitably as possible.

(m) Staff members affected by the reduction in force shall have access during the entire procedure provided for in this rule to the job descriptions of posts of the same grade as those they hold.

#### Rule 110.7 Termination Indemnity

(a) Except as provided in paragraph (d) below, members of the career service and all other staff members with more than three years of continuous service under contracts for a limited time are entitled to a separation indemnity upon separation from service, in accordance with the following provisions:

(i) Career staff members shall receive an indemnity of one month of basic salary per year of service up to a maximum of nine months.

(ii) The maximum separation indemnity payable to a staff member who is contracted under a contract for a limited time shall be six months of basic salary, and shall be computed as follows:

a. When the contract expires without renewal, one week of basic salary for each year served; and

b. When the contract is terminated prior to its expiration date, one month of basic salary for each year remaining until the expiration date, and one week of basic salary for each year of service.

(iii) A Staff member whose long term contract began before January 1<sup>st</sup>, 2000 and has since been renewed without interruption may, upon separation from service, choose between the separation indemnity provided under Staff Rule 110.7 and Article 57 (d) of the General Standards effective as of December 31 1999, and the separation indemnity provided for under this Rule.

(b) The indemnity shall be calculated on the salary on the date on which the staff member's services are terminated. For purposes of indemnity, periods of six months or more after the first year shall be considered a full year.

(c) The amount of accumulated service shall include the total period of continuous service rendered by the staff member to the General Secretariat, whatever his type of appointment. Continuity of service shall not be considered interrupted because the staff member has had one or several periods of special leave without pay or with partial pay. However, when these periods have exceeded one month, the leave shall not be credited as time of service in calculating any indemnity; on the other hand, periods of less than one month shall not be deducted from the time of accumulated service.

(d) No indemnity shall be paid to a staff member when this is prohibited by the General Standards and, specifically, in the following cases:

(i) When his services are terminated during the probationary period, in accordance with Rule 104.10; (ii) When he resigns; (iii) When a staff member's appointment to a position of trust is terminated by the Secretary General or expires, in accordance with Staff Rule 104.1 (a) (iii); (iv) When a staff member under a contract for a limited time is separated from service by way of termination or expiration of contract before completing more than three years of continuous service under contracts for a limited time; (v) When he is dismissed for serious misconduct; or (vi) When he is retired in accordance with the provisions of the Retirement and Pension Plan.

Rule 110.8 Repatriation Grant

The Secretary General shall establish the table of payments for the repatriation grant in accordance with the scale and conditions specified below.

(a) The repatriation grant shall be paid to staff members whom the General Secretariat is obligated to repatriate. The repatriation grant shall not be paid, however, to a staff member who is summarily dismissed. The amount of the grant shall be as follows:

follows:

Full years of continuous service away from home country	Weeks of basic salary	
	Staff member without dependent spouse or dependent child	Staff member with dependent spouse or dependent child
1	2	4
2	4	8
3	5	10
4	6	12
5	7	14
6	8	16
7	9	18
8	10	20
9	11	22
10	12	24
11	13	26
12 or more	14	28

For purposes of calculating the grant, any period of service of six months or more after the first year shall be considered a full year.

(b) The term "obligated to repatriate" used in paragraph (a) shall refer to the obligation to return a staff member and his dependents, upon separation, to a place outside the country of his duty station at the expense of the General Secretariat.

(c) For the purposes of this Rule, "home country" shall mean the country to which the staff member is entitled to travel in accordance with Rule 106.4.

(d) If at any time it is determined that the staff member has acquired permanent residence in the country of his duty station and subsequently changed from such status, his continuous service will be deemed to have commenced at the time he last changed his immigration status. Continuity of service shall not be considered broken by periods of special leave without pay or with partial pay. However, if these leave periods are for one or more full months, they shall be deducted from the total credited service for purposes of the repatriation grant. Periods of less than one full month shall not be deducted.

(e) The repatriation grant shall not be payable to a staff member of the general services category, unless he was recruited internationally; to a staff member who abandons his post; or to a staff member who at the time of separation from service is residing in his home country while performing his official duties. However, a staff member who after service at a duty station outside his home country is transferred to a duty station within that country shall, upon separation, receive all or part of the repatriation grant, as the Secretary General may establish.

(f) For the purposes of this Rule, dependents shall be the spouse and children for whom the staff member is receiving a dependency allowance on the date of his separation. The repatriation grant shall be paid at the dependency rate to staff members with dependents, regardless of the dependents' place of residence.

(g) If both husband and wife are staff members and at the time of separation from service both are entitled to payment of a repatriation grant, each of them shall receive the grant to which he or she is entitled under the scale set for staff members without dependents. However, when the General Secretariat recognizes the existence of dependent children, the parent who is first separated from service may claim payment of the repatriation grant according to the scale set for staff members with dependents. In this event, the second parent, on separation, may claim

payment of the repatriation grant on the scale provided for staff members without dependents for the period of qualifying service rendered after the separation of the spouse, or, if eligible, at the rate for staff members with dependents for the whole period of his qualifying service, from which the amount of the repatriation grant paid to the first parent shall be deducted.

(h) The loss of entitlement to repatriation travel expenses in accordance with Rule 108.4 shall not affect the right to the repatriation grant.

(i) In the case of the death of a staff member entitled to repatriation grant, this grant shall be paid only to the surviving spouse and/or to the dependent children, in equal parts. If only one of these survives, payment shall be made in accordance with the scale for staff members without dependents. If two or more survive, payment shall be made in accordance with the scale for staff members with dependents.

(j) In the case of staff members who joined the General Secretariat on or after July 1, 1983, the repatriation grant shall be paid only upon substantiation that the staff member or his surviving spouse and/or dependent children, in accordance with the previous paragraph, actually returned to the country to which he is entitled to be repatriated during the six months following his separation from service.



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Restitution of Advance Annual and Sick Leave

Upon separation, a staff member who has taken advance annual and sick leave beyond that which he has subsequently accrued shall make restitution for the excess by means of a cash refund or an offset against monies due to him from the General Secretariat. This reimbursement or offset shall be equivalent to the remuneration received, including allowances and other payments, for the period of excess leave. The Secretary General may waive this requirement if, in his opinion, there are exceptional or compelling reasons for so doing.



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Last Day for Pay Purposes

(a) At the time of his separation from service, a staff member shall receive the salary, allowances, and benefits to which he is entitled in accordance with the following provisions:

(i) Upon resignation, the date shall be either the date of expiration of the notice period or such other date as the Secretary General accepts. Staff members shall continue to perform their duties during the notice period, except when the resignation takes effect upon the completion of maternity leave or following sick or special leave. During the notice period, annual leave will be granted only for brief periods.

(ii) In the case of a contract, the last day of service shall be the expiration or termination date specified in it.

(iii) In the case of termination of services, the date shall be that indicated in Rule 110.4.

(iv) In the case of retirement, the date shall be that decided upon by the Retirement and Pension Committee.

(v) In the case of summary dismissal, the date shall be that established by the Secretary General.

(vi) In the case of death, the staff member's salary, allowances, and other benefits to which he would have been entitled shall be paid up to the date of death, unless there is one or more surviving dependents. In that event the education grant shall be extended in accordance with Rule 103.18(b) and the other benefits shall be maintained until the date determined in accordance with the following table:

Full years of service	Months of extension beyond date of death
0	1
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9 or more	9

For the purposes of this subparagraph any period of service of six months or more after the first year shall be considered a full year.

Payments for the period of extension beyond the date of death may be made in a lump sum as soon after death as pay accounts and related matters can be closed. Such payments shall be exclusive of any allowances or cost-of-living or post adjustment and shall be calculated according to the salary scales in effect at the date of death. All other entitlements and accrual of benefits shall cease on the date of death.

(b) When an internationally recruited staff member is entitled to repatriation travel, the last day for pay purposes shall be the date established in subparagraphs (i), (ii), (iii), or (iv) of paragraph (a) above, but he shall be paid one day more for the return trip.

**Rule 110.11 Certification of Service**

Any staff member who so requests shall, on leaving the service of the General Secretariat, be given a certificate stating the nature of his duties and the length of his service. On written request, the certificate shall also refer to the quality of his work and to his official conduct

**CHAPTER XI  
DISCIPLINE**

**Rule 111.1 Disciplinary Measures**

(a) The Secretary General may impose disciplinary measures on staff members for conduct that does not conform to the General Standards or to these Staff Rules, or because of unsatisfactory work.

(b) Disciplinary measures shall consist of oral or written admonition, written censure, suspension, or dismissal.

(i) An oral admonition is a warning given for misconduct or for unsatisfactory work; it shall be given directly by the staff member's supervisor and shall not be placed in the staff member's file in the Department of Human Resource Services, meaning that it does not affect his interests.

(ii) A written admonition shall be given when misconduct or unsatisfactory work makes it advisable to put this warning on record in the staff member's file in the Department of Human Resource Services.

(iii) Written censure is a reprimand made to the staff member. It is a more severe measure than an admonition.

(iv) Suspension is temporary removal from duty without pay and without some or all of the benefits to which the staff member is normally entitled.

(v) Dismissal is separation from service for misconduct or unsatisfactory work so serious or persistent as to require this measure.

(c) With the exception of an oral or written admonition, the foregoing disciplinary measures shall be imposed by the Secretary General: (i) at the recommendation of the corresponding Office or Department Director (including the Inspector General or Treasurer for misconduct revealed in an audit or investigation conducted by either of them); (ii) at the recommendation of the Director of the Department of Human Resource Services upon being apprised of facts which the Director believes require discipline; or, (iii) at the recommendation of the highest authority to whom the staff member concerned is directly responsible. The recommendation to convoke the Joint Disciplinary Committee may, but is not required to, include a recommendation regarding the level of discipline which should be assessed. The measures in paragraph (b)(iii)-(v) shall be applied after the procedure referred to in Rule 111.3 has been exhausted.

(d) With the exception of oral or written admonition, the disciplinary measures indicated in paragraph (b) shall not be taken against any staff member until after the Joint Disciplinary Committee has been consulted. In the following cases this provision shall not apply:

(i) The case of summary dismissal referred to in Rule 110.5; and

(ii) When the Secretary General and the staff member affected so agree.

#### Rule 111.2 Joint Disciplinary Committee

(a) An advisory body called the Joint Disciplinary Committee shall be established, to advise the Secretary General on the advisability and application of disciplinary measures. This Committee should indicate what measure it believes should be applied in a case on which it is consulted, or whether in its judgment no measure should be applied.

(b) The Committee shall be made up of three members, as follows:

(i) A chairman and two alternates chosen by the Secretary General from a list of ten staff members that he shall prepare each year in consultation with the Staff Committee;

(ii) A principal member and two alternates to replace him when necessary, appointed annually by the Secretary General, and

(iii) A principal member and two alternates to replace him when necessary, designated annually by the Staff Committee.

(c) The members of the Joint Disciplinary Committee may not be appointed for more than two consecutive terms.

(d) The Secretary General may replace the principal or alternate members whom he has appointed in accordance with subparagraph (b)(ii) above. The members designated by the Staff Committee may be replaced by its own decision.

(e) On the initiative of any of the parties, the Joint Disciplinary Committee may declare that one of its members may not hear a particular matter, if it deems this advisable in view of the relations existing between that Committee member and the affected staff member. It may also excuse any member of the Committee from hearing a particular matter.

#### Rule 111.3 Procedure of the Joint Disciplinary Committee

(a) When the Secretary General considers that a disciplinary measure other than an oral or written admonition should be applied to a staff member, he shall place the case before the Chairman of the Joint Disciplinary Committee, who will convoke the Committee as soon as possible.

(b) When the Committee meets, it shall examine the matter or matters for which it was convoked. The procedure shall normally be limited to consideration of the original written statement of facts and of brief oral or written observations and replies presented promptly by the party who has recommended the measure and the person against whom it is to be applied. However, if necessary, the Committee may obtain any other evidence that it considers pertinent.

(c) The Committee shall make a good-faith effort to present a written report containing its recommendations on the case to the Secretary General within not more than 30 days after the date of its convocation.

(d) Within 15 days after receiving the report the Secretary General shall make the decision he considers appropriate, taking into account the Committee's recommendations.

(e) The Department of Human Resource Services shall be available to the Committee, to the staff member who has recommended the measure, and to the staff member against whom it has been recommended, from the time that the Secretary General places the case before the chairman of the Committee until the Committee transmits its report to the Secretary General. The time taken by all participants during Disciplinary Committee meetings, and the time taken by Committee members in preparation for their meetings and in activities related to preparing the Committee's report shall be considered devoted to official duties, and consequently no annual leave will be charged for this purpose.

(f) Throughout the procedure the staff member against whom a disciplinary measure has been recommended may act in his own behalf or through some other staff member of the General Secretariat designated by him in a written communication addressed to the Chairman of the Committee. He may not be represented in this procedure by anyone outside of the General Secretariat.

(g) Once the Secretary General has decided to impose a disciplinary measure on a staff member, the interested party shall be informed of this decision which will become effective on the date indicated in it.

#### Rule 111.4 Suspension During Investigation and Disciplinary Proceedings

(a) If a charge of serious misconduct is made against a staff member and the Secretary General so decides, the staff member may be suspended from duty during investigation and pending the completion of disciplinary proceedings for a period which should normally not exceed three months. The suspension shall be with pay and shall be without prejudice to the rights of the staff member and shall not constitute a disciplinary measure.

(b) A staff member suspended pursuant to paragraph (a) shall be given a written statement of the reason for the suspension and its probable duration.

## **CHAPTER XII HEARING AND RECONSIDERATION**

#### Rule 112.1 Procedure for Hearing by the Secretary General

Before the Secretary General takes a final decision on an administrative measure affecting the interests of a staff member, the latter has the right to be heard, and the following procedure shall be applied for this purpose:

(a) The interested party, within 15 days following the date on which he received notification of the measure affecting his interest, may explain in writing to the Secretary General why he considers the measure taken against him is not justified.

(b) Within 20 days following the interested staff member's presentation of his written statement, the Secretary General shall decide whether to withdraw the measure, confirm it, or change it.

(c) Within three working days after it has been taken, the interested party must be notified in writing of the Secretary General's decision.

(d) For challenging the classification level of a post, the requirements under Rule 102.4(c) must be fully satisfied.

(e) For purposes of the hearing and reconsideration process, time periods of five days or less refer to working days; time periods of more than five days refer to calendar days.

#### Rule 112.2 Reconsideration

If a staff member does not agree with the decision taken by the Secretary General in accordance with Rule 111.3(g), the dismissal referred to in Rule 110.5, or the decision taken in accordance with Rule 112.1(b), he may present a request to the Secretary General for reconsideration within 15 days following the day on which he received notification of such decision. A staff member may follow this same procedure if 23 days after the date on which he presented the written request referred to in Rule 112.1(a), he has not yet been notified of the Secretary General's decision.

### Rule 112.3 Joint Advisory Committee on Reconsideration

- (a) A Joint Advisory Committee on Reconsideration is established to advise the Secretary General on the cases referred to in Rule 112.2.
- (b) Where measures based on Rule 110.4(c) are concerned, the Committee shall not examine the substantive question, but only the facts intended to prove that the decision has been motivated by prejudice or by some other irrelevant factor.
- (c) The Committee shall decide on questions relative to its own competence.

### Rule 112.4 Membership of the Joint Advisory Committee on Reconsideration

(a) The Joint Advisory Committee on Reconsideration shall be made up of three members, designated as follows:

- (i) A principal member and two alternates appointed each year by the Secretary General;
- (ii) A principal member and two alternates appointed each year by the Staff Committee; and
- (iii) A chairman, appointed in each case by agreement of the other two members. The chairman may be someone outside of the General Secretariat.

(b) Anyone who has taken part in the Joint Disciplinary Committee in a particular matter may not hear the same matter as a member of the Joint Advisory Committee on Reconsideration.

(c) Members of the Joint Advisory Committee on Reconsideration may not be appointed for more than two consecutive terms.

(d) Members of the Joint Advisory Committee on Reconsideration may be replaced in the same manner established for the Joint Disciplinary Committee in Rule 111.2(d).

(e) At the request of any of the parties, the Committee may declare that one of its members may not hear a particular matter, provided it concludes that: (i) the request is reasonable; (ii) the request is made in good faith; and (iii) the granting of the request is merited in view of the prior relations existing between the Committee member and the staff member affected. It may also excuse any member of the Committee from hearing a particular matter.

### Rule 112.5 Procedure for Reconsideration

(a) Within ten working days after the date on which he receives the request for reconsideration referred to in Rule 112.2, the Secretary General shall transmit this request to the two members of the Joint Advisory Committee on Reconsideration already appointed. Once it is confirmed who the two members of the Committee will be for a case, the two members shall, within the next five working days, appoint the third member to serve as chairman.

(b) Except in highly justified cases, which must be explained in the Committee's report, the Committee shall not hear any request presented outside of the periods established.

(c) The staff member affected may act in his own behalf or through another staff member of the General Secretariat designated by him in a written communication addressed to the Chairman of the Committee. He may not be represented by anyone outside of the General Secretariat. The Secretary General may also be represented by any staff member, who shall be designated in the same way.

(d) The request for reconsideration provided for in Rule 112.2 shall not suspend implementation of the decision being questioned.

(e) The Joint Advisory Committee on Reconsideration shall act as speedily as possible in its review of the case. Normally, the procedure shall be restricted to consideration of the written statement by the complainant and of the observations and oral or written comments presented by him and by the Secretary General or their representatives. Taking into account the period indicated in paragraph (h), the observations or comments authorized by the Committee must be presented within five working days. Any supplementary observations must be presented within three working days from the date on which the Committee authorizes them.

(f) The Committee may call members of the staff of the General Secretariat who may be able to provide information on the matters before it. It may also require the submission of documents.

(g) During the hearing of the case, the Committee shall attempt to reconcile the parties and shall have conciliatory powers for this purpose.

(h) The Committee shall adopt a report by majority vote and submit it to the Secretary General within 28 days following the date on which it began its review of the matter. The report shall include a summary of the problem, an account of the Committee's actions, its recommendations, and its vote on the recommendations. Any member of the Committee may request that his dissenting opinion appear in the report.

(i) Within two working days after the Committee has delivered its report to the Secretary General, the staff member concerned shall be notified of this fact.

(j) The Secretary General shall make his final decision within 28 days after the Committee has delivered its report to him. Within two working days following that final decision, the staff member concerned shall be so notified and shall also be sent a copy of the Committee's report. Except when the reconsideration refers to disciplinary measures, the Secretary General's decision and the Committee's report shall also be transmitted to the Staff Committee.

(k) If the interested party has not been notified of the final decision within 30 days after the date on which the report of the Committee was delivered to the Secretary General, it shall be understood that the staff member has exhausted the procedures contemplated in the General Standards and, consequently, he may appeal to the Administrative Tribunal of the Organization in accordance with Article VI.3 of the Statute of the Tribunal.

#### Rule 112.6 Services of the Department of Human Resource Services and Official Duties

The Department of Human Resource Services shall be available to the Joint Advisory Committee on Reconsideration and to the staff member concerned during the time that the case is being processed. The time taken by all participants during Advisory Committee meetings, the time taken by Department of Human Resource Services personnel in the reconsideration process, and the time taken by Committee members in preparation for their meetings and in activities related to preparing the Committee's report shall be considered devoted to official duties, and consequently no annual leave shall be charged for this purpose.

#### Rule 112.7 Time Limits Compliance by the Secretary General

Failure of the Secretary General to comply with any of the time limits set forth in this Chapter XII shall not provide grounds for an allegation of the denial of due process or give rise to any right of indemnity, provided that the Secretary General has made a good-faith effort, through due diligence, to comply with the time limits in the Chapter. Nonetheless, the failure of the Secretary General to respond within the time periods set out in these Rules shall not prevent a staff member who has fully complied with his obligations within those time periods from pursuing his grievance through the administrative and adjudicatory process provided herein.

### **CHAPTER XIII GENERAL PROVISIONS**

#### Rule 113.1 Documents, Requests, and Notifications

(a) The documents and requests that must be addressed to the Secretary General under the terms of these Rules shall be sent through the Department of Human Resource Services.

(b) Unless expressly provided to the contrary, all notifications shall be issued through the same Department.

#### Rule 113.2 Periods

Unless otherwise stated in the text of a specific Rule, the periods set forth in these rules shall include both working days, weekends, and holidays, but if the period expires on a holiday or on a Saturday or Sunday, it shall be extended to the next working day.

#### Rule 113.3 Use of Gender

With the exception of Rule 107.2, on maternity leave, all Rules in which the feminine or masculine gender is used apply equally to staff members of both sexes.

#### Rule 113.4 Amendments of and Exceptions to Staff Rules

(a) The Secretary General may amend the Staff Rules, provided that such amendments are consistent with the General Standards. An amendment of the Rules shall require an Executive Order; Appendices originally issued as Executive Orders, Directives or Administrative Memoranda, may be modified in accordance with the corresponding procedures established in the Executive Order governing the Internal Regulatory Instruments of the General Secretariat.

(b) Notwithstanding paragraph (a) above, the Secretary General shall inform the Permanent Council of any changes or modifications of the Staff Rules; and any such change or modification having budgetary implications shall enter into force only with the Permanent Council's approval.

(c) Exceptions to the Staff Rules may be made by the Secretary General provided that such exceptions are not inconsistent with any decision of the General Assembly, and provided further that, in the opinion of the Secretary General, they are not prejudicial to the interest of any other staff member or group of staff members.

#### Rule 113.5 Definition of Term Director for these Rules

The term "Department or Office Director," as used in these Rules, refers to directors of departments and offices respectively, as well as to coordinators and administrative chiefs of departmental-level Units and Divisions within the General Secretariat.

### **CHAPTER XIV TRANSITORY PROVISIONS**

#### Rule 114.1 Final Compensation

(a) When a staff member resigns, retires, or dies during the term of his appointment after having rendered five or more years of continuous service, he or, in the case of death, his beneficiaries shall be entitled to a final compensation equal to one week of basic salary for each year of service prior to January 1, 1971, up to a maximum of 15 years. This compensation shall be in addition to that received for accumulated annual leave.

(b) In computing the final compensation, any period exceeding six months shall be regarded as a full year of service.

(c) As the staff member may choose, the final compensation may be paid in a lump sum or in installments coinciding with the regular payday in the General Secretariat. However, these installment payments shall not extend beyond the period of annual leave accumulated by the staff member.

(d) A staff member entitled to receive final compensation and the repatriation grant, in accordance with Rule 110.8, shall be paid only the higher amount of the two.

(e) The final compensation shall be paid in accordance with the basic salary scale in force at the time of resignation, retirement, or death.

#### Rule 114.2 Award of Merit

(a) A staff member with 15 or more years of continuous service who has sick leave accumulated prior to January 1, 1971, shall receive an award of merit upon resignation or retirement. The same award shall be given to a staff member whose services have been terminated in accordance with Rule 110.4(b), provided that he had sick leave accumulated before the date indicated above. If the staff member dies during the term of his appointment and has sick leave accumulated prior to January 1, 1971, his beneficiaries shall receive the award of merit.

(b) In any of the cases mentioned in the preceding paragraph, the Department of Human Resource Services shall review the leave and attendance record of the staff member and, when appropriate, calculate the amount of the award.

(c) The amount of the award of merit shall consist of one week of basic salary for each year of service prior to January 1, 1971, provided that this does not exceed 15 weeks or the number of weeks of sick leave accumulated by the staff member prior to that date.

(d) The provisions of Rule 114.1(c) shall be applied to payment of the award of merit.

(e) The award of merit shall be paid in accordance with the basic salary scale in force at the time of resignation, retirement, termination of services, or death.

#### Rule 114.3 Annual Leave

Staff members who, as of December 31, 1970, had accumulated more than 60 days of annual leave are entitled to retain the number of days accumulated. However, if at the close of any calendar year beginning on January 1, 1971, the number of days accumulated was less than that of the year before, this lesser number shall be the new maximum limit and shall be transferred to the next year. If the number of days of accumulated annual leave is less than 60 days at the end of any calendar year, the maximum number that may be accumulated shall be 60 working days, in accordance with Rule 106.1(b).

#### Rule 114.4 Requirement of Competition

For purposes of Rules 104.5(b)(iii) and (iv), the following categories of staff members shall also be deemed to have been selected through competition:

- (a) Staff members who have served continuously since before July 1, 1970;
- (b) General services staff stationed away from headquarters who were selected before November 4, 1983, unless the records specifically show that they were not selected through competition; and
- (c) Staff members who were selected through competition at least once and who were promoted prior to January 2, 1984, in accordance with the procedures then in effect, to a post that was not a position of trust.

#### Rule 114.5 Career-Service Days

As of July 1, 1995, the right to earn career-service days based on time in service shall cease for all staff members; however, a staff member who as of June 30, 1995, has already earned through years of service the right to take career-service days, either in pay or in leave plus pay, as the case may be, shall retain the right to continue taking the career-service days that correspond to his years of service on June 30, 1995.

#### Rule 114.6 Dependency Allowance Set-off

The exemption for dependent children permitted under Sections 151 and 152 of the Internal Revenue Code of the United States of America (or their successor provisions) shall not be considered a "cash payment or tax benefit" under Rule 103.16(a)(ii) for any staff member who received tax reimbursement monies from the General Secretariat prior to January 1, 1984.

## **APPENDICES**

### **APPENDIX A**

#### **LIST OF POSTS THAT THE SECRETARY GENERAL HAS DECIDED ARE SUBJECT TO THE REQUIREMENT OF STATEMENTS OF ASSOCIATIONS AND OF NET WORTH**

[Appendix to Rule 101.7 (d) (iii)]

Office of the Inspector General All professional staff

Americas Magazine Editor-in-Chief and Editor

Department of Financial Services All staff in grades P-4 and above.

Department of Technology and All professional staff (except all maintenance staff  
Facility Services and Office of in grades P-2 and below), Chief of the Messenger, Mail,  
Procurement Management and Transportation Unit, and Travel Technicians.

Services

Rowe Fund Secretary

Executive/Assistant Secretariats All staff at the P-5 level and above and

All other Departments, Offices professional level Administrative Officers for each area.

Commissions, Units

### **APPENDIX B**

**Please referred to the Spanish Version**

### **APPENDIX C**

**RULES FOR SPECIAL OBSERVER CONTRACTS**

## I. Definitions, Characteristics of Special Observer Contracts, and Special Requirements and Considerations

1.1 An Observer is a person hired under a short-term contract to provide services in election or human rights observation missions or other services in connection with democratic development activities.

1.2 A Special Observer Contract ("SOC") is a contract with an Observer for less than one year. Like a general short term contract, an SOC can be extended, but in no case may the total of the original SOC and extensions reach one continuous year of service without at least one week's break in service.

1.3 The SOC is a temporary appointment for a limited time (also known as a "fixed term"), the period of which is expressly specified in the letter of appointment.

1.4 A SOC may be terminated prior to its expiration if at anytime it is the Secretary General's opinion that such action would be in the interest of the General Secretariat.

1.5 An Observer may be ordered to leave a duty station without prior notice if in the opinion of the Secretary General or his duly designated agent, the Observer's presence at the duty station is undesirable or may prejudice the mission or the activity for which the Observer was contracted.

1.6 An SOC is a contract funded by special or voluntary funds; not by the Regular Fund.

1.7 The term Chief of Mission, as used in these rules, refers to the Principal Coordinator or Chief Operating Officer of the Observer Mission stationed in the duty station where the Observer is assigned.

1.8 To reduce potential liability for payment of the sixty-day termination notice provision required under Article 54 of the General Standards and Staff Rule 110.4, the length of an Observer Contract, or any individual extension period thereof, should not exceed thirty days unless the Secretary General otherwise orders in writing. In the event a contract or an extension for more than thirty days is granted, funds from the voluntary and special funds used to finance the Mission to which the Observer is assigned shall be placed in a special reserve account in an amount sufficient to cover the potential cost of the required notice.

1.9 The existence of the SOC does not prohibit the General Secretariat from contracting Observers as independent contractors under Performance Contracts ("CPRs") where in the opinion of the Secretary General, the conditions so permit. Observers contracted under Performance Contracts, however, are not staff members and the Staff Rules and these provisions do not apply to them.

## II. Precedence and Interpretation

2.1 In the event of any conflict between these Special Rules and other Staff Rules and regulations, these Special Rules shall apply to SOCs.

2.2 These Rules must be construed in light of their purposes, which is to provide the Secretariat with a fair and flexible and contracting mechanism similar to that employed by the United Nations for contracting Observers as staff members without incurring the full costs of employing career and long-term contract staff.

## III. Obligations and Rights

3.1 The provisions of Chapter I of the Staff Rules on Obligations and Rights apply, except as otherwise stated in this Section.

3.2 The holidays for each duty station away from Headquarters shall be those established in Staff Rule 101.2(c) unless otherwise notified to the Observers by the Secretary General.

3.3 Any Observer may be required to reimburse the General Secretariat either partially or in full for any financial loss suffered by the General Secretariat as a result of the staff member's negligence or his or her having violated any regulation, rule or administrative instruction.

#### IV. Classification of Post

4.1 The provisions of Chapter II of the Staff Rules on Classification of Posts apply, except as otherwise stated in this Section.

4.2 Staff Rule 102.3(c) does not apply; however an Observer who is asked to perform higher level functions may be eligible for the Special Duties allowance under the terms and conditions of Staff Rule 103.7.

4.3 Where merited, the Secretary General may relax formal educational and experience requirements because of the short term of these contracts and because the appointments hereunder are not subject to the competition requirements.

#### V. Salaries and Allowances

5.1 The provisions of Chapter III of the Staff Rules on Salaries and Allowances apply, except as otherwise stated in this Section.

5.2 Unless otherwise expressly stated in the Letter of Appointment form, the following benefits and corresponding rules shall not apply: Rent Subsidy (Staff Rule ("SR") 103.2(a)); Language Allowance (SR 103.6); Installation Allowance (SR 103.12); Education Grant (SR 103.13); Salary and Allowances During Special Mission Assignment (SR 103.14); Assignment Allowance (103.15); Dependency Allowance (103.16); Nonresident allowance (103.17); Reimbursement of Income Tax (103.19).

5.3 Observers in the general services category who are nationals of the duty station in which they are working will be paid in accordance with the local salary scales for that duty station established under Executive Order No. 91-1, unless their permanent residence at the time they are contracted is a country other than the duty station.

#### VI. Types of Employment, Selection, and Promotion

6.1 The provisions of Chapter IV of the Staff Rules on Types of Employment, Selection, and Promotion shall apply except as otherwise stated in this Section.

6.2 No SOC, including any extensions thereof, may reach a total of one continuous year of service.

6.3 No SOC may be converted into a long-term contract. No Observer may be continuously employed by the General Secretariat beyond the permissible term of an SOC, and any permissible extensions thereof. An Observer may be reemployed after a one-week break in service; however, in no case shall reemployment after that break in service be construed as continuity of service for any purpose under the Staff Rules.

6.4 SOCs are exempt from the competition procedures stated in the Staff Rules.

6.5 Staff Rule 104.14(a) on family relationships shall not apply; however, absent an exception pursuant to Staff Rule 113.4(b), no SOC shall be awarded to an Observer who is a relative, as defined in Staff Rule 104.14(a), of a staff member classified at the N (P-5) level or above.

#### VII. Change of Post of Functions and Work Performance

7.1 The provisions of Chapter V of the Staff Rules on Change of Post, of Functions, and Work Performance shall apply, except as otherwise stated in this Section.

#### VIII. Annual, Special, Official, and Home Leave

8.1 The provisions of Chapter VI of the Staff Rules on Annual, Special, Official, and Home Leave shall apply except as otherwise stated in this Section.

8.2 Observers are not eligible for Home Leave (Rule 106.4), and the entitlements under Rule 106.4 shall not apply.

8.3 An Observer may be ordered to take special leave with pay pending the investigation of any incident in which he may be involved.

8.4 Staff Rule 106.1(c) shall not apply and Observers shall be credited with the corresponding annual leave as of the first month of service and shall be entitled to take such leave beginning after the first month of service.

8.5 Observers may carry over accumulated annual leave in accordance with the provisions of Chapter VI of the Staff Rules, but must use all such leave before having completed eleven months and twenty-nine days of continuous service. Observers will be entitled to payment for unused leave only with the permission of the Director of Human Resources, and in the event such permission is granted, it shall extend to no more than the number of days indicated in Staff Rule 106.1 (b).

#### IX. Insurance and Health Benefits

9.1 The provisions of Chapter VII of the Staff Rules on Insurance and Health Benefits shall apply except as otherwise stated in this Section.

9.2 The entitlements of Observers to sick leave will be identical to those provided other staff members holding short term contracts under the Staff Rules and in accordance with Staff Rule 107.1(a)(ii).

9.3 Observers shall not be entitled to the life and accidental death insurance subsidized by the General Secretariat under Staff Rules 107.3(a) and 107.3(d).

9.4 The Secretary General, at his option, may provide Observers with an insurance plan and policies (Health and Worker Compensation, loss of personal effects) different from that provided to all other staff members under Staff Rules 107.3 and 107.4.

9.5 Observers who own or drive motor cars shall, unless they are designated official drivers by the Chief of Mission, carry public liability and property damage insurance in an amount adequate to insure them against claims arising from injury or death to other persons from damage to the property of others caused by their cars.

#### X. Travel

10.1 The provisions of Chapter VIII of the Staff Rules on Travel shall apply except as otherwise stated in this Section.

10.2 The following provisions shall not apply: Travel for Recruitment Interviews (SR 108.1(b)); Official Travel of Dependents (SR 108.2); Official Travel of Dependents-Missions (SR 108.3); Eligible Dependents for Purposes of Payment of Travel Expenses (SR 108.5); Terminal Expenses for Dependents (SR 108.13(a)).

10.3 Like other staff Members on short term contracts, Observers are ineligible to receive Moving Expenses under Staff Rule 108.20.

10.4 An Observer who accepts employment as an Observer after a break in service of less than one week shall have no entitlement to payment of travel expenses from the

duty station to his home country at the expiration of his last contract proceeding the break in service, or to payment of travel expenses back to the duty station from his home country for the purpose of initiating his next contract after the break in service, unless otherwise agreed to by the Secretary General in writing.

#### XI. Relations With The Staff

11.1 The provisions of Chapter IX of the Staff Rules on Relations with the Staff shall apply except as otherwise stated in this Section.

11.2 Observers shall not be eligible to serve on the Staff Committee or as Representatives or Committee Members Under Chapters XI and XII of the Staff Rules.

#### XII. Separation From Service

12.1 The provisions of Chapter X of the Staff Rules on Separation from Service shall apply except as otherwise stated in this Section.

12.2 An Observer may resign by giving two-weeks written notice to the Secretary General; however, the Secretary General may waive the notice period at his option. Staff Rule 110.1, as set out in the Staff Rules, does not apply,

12.3 Directive D-17 of November 12, 1985 shall not apply (Appendix D of Staff Rules). Observers shall be entitled to join the Provident Plan. They shall not participate in the OAS Retirement and Pension Plan.

12.4 SOCs shall expire automatically without prior notice on the expiration date of the period specified in the letter of appointment, contract, or any extensions thereof. Separation as a result of the expiration of any such appointment shall not be regarded as a termination within the meaning of the Staff Regulations and Rules.

12.5 Because the success and safety of an entire mission depends on the strict discipline of its members and decorum which does not disrupt the relationship of the mission with the Government of the duty station, serious misconduct under Staff Rule 110.5 includes any conduct by an Observer which (1) requires the removal of the Observer from the duty station; (2) insubordination; (3) failure to comply with rules, regulations, curfews and other orders established or issued by the Chief of Mission; unauthorized statements about the mission and your work as an observer to the press, government officials, the media, or other persons who are likely to publish them.

12.6 There is no right to a termination indemnity unless otherwise specified expressly in the letter of appointment or contract form.

12.7 In those instances where advanced notice of termination is required, the Secretary General may terminate the Observer immediately, and if he does so, he shall compensate the Observer for any required notice period by paying the Observer the salary he would have received had the date of termination been at the end of the notice period.

12.8 Observers are not entitled to payment of the Repatriation Grant provided under Staff Rule 110.8 nor to the payment for one additional day's pay in relation to repatriation travel under Staff Rule 110. 10(b).

12.9 For Observers, the last day for pay purposes in the case of death is the date of death, and Staff Rule 110. 10 regarding the extension of that date in the case of surviving dependents shall not apply.

12.10 The procedure set out in Staff Rule 110.4(f) for termination in the best interest of the Organization shall not apply; rather, the Secretary General is authorized to terminate

an Observer in the best interest of the Organization after: (1) consulting with the Mission Chief, (2) asking the affected Staff Member to show cause or otherwise explain in writing within twenty-four hours as to why he should not be summarily dismissed; and (3) reviewing the Staff Member's writing. Separation in the best interest of the Organization may occur, inter alia: when the mission is discontinued; when funding for the mission is reduced; when staffing needs for the mission diminish; when the duty station of the mission changes; when the skills of the Observer, in the opinion of the Mission Chief, are no longer needed; or when the continued presence of the Observer in the mission is, in the opinion of the Mission Chief, inconsistent with mission objectives.

### XIII. Discipline

13.1 The provisions of Chapter XI of the Staff Rules on Discipline shall apply except as otherwise stated in this Section.

13.2 The last sentence of Staff Rule 111.3(e) which defines time spent by staff members in the Disciplinary Process as time "devoted to official duties" shall not apply to Observers involved in that process unless otherwise permitted in writing by the Chief of Mission; however, Observers will not be charged annual leave to attend any Hearing convoked by a Joint Disciplinary Committee to consider charges against them.

### XIV. Hearing and Reconsideration

14.1 The provisions of Chapter XII of the Staff Rules on Hearing and Reconsideration shall apply except as otherwise stated in this Section.

14.2 The last sentence in Staff Rule 112.6 which defines time spent by staff members in the Reconsideration procedure as time "devoted to official duties" shall not apply to Observers involved in that process unless otherwise permitted in writing by the Chief of Mission; however, Observers will not be charged annual leave to attend any Hearing convoked by a Reconsideration Committee considering matters brought by them.

### XV. General Provisions and Transitory Provisions

15.1 The provisions of Chapters XIII and XIV of the Staff Rules shall apply, unless otherwise stated in this Section.

#### **APPENDIX D**

**Please referred to the Spanish Version**

#### **APPENDIX E**

**Please referred to the Spanish Version**

#### **APPENDIX F**

**Please referred to the Spanish Version**