



13 November 2003

Administrative instruction

Retention in service beyond the mandatory age of separation and employment of retirees

The Under-Secretary-General for Management, pursuant to section 4.2 of Secretary-General's bulletin ST/SGB/1997/1, promulgates the following to establish conditions concerning retention in service beyond the mandatory age of separation pursuant to the exception provided in staff regulation 9.5 and to implement the provisions of General Assembly decision 51/408 of 4 November 1996 and of General Assembly resolutions 53/221 of 7 April 1999 and 57/305 of 15 April 2003 concerning employment of retirees and mandatory age of separation:

I. Retention in service beyond the mandatory age of separation

Section 1 General

1.1 Retention in service of staff members beyond the mandatory age of separation is an exception to the provisions of staff regulation 9.5, which may be approved by the Secretary-General only when it is in the interest of the Organization. The Secretary-General's authority to retain staff members in service beyond the mandatory age of separation of 60 years, or 62 years in the case of staff appointed on or after 1 January 1990, shall be exercised as provided in this instruction.

1.2 Decisions to retain staff members at the Assistant Secretary-General level and above in the interest of the Organization shall be made personally by the Secretary-General. Decisions relating to all other staff members shall be made in accordance with sections 2 to 4 below.

Section 2 Criteria and conditions for retention of staff appointed under the 100 series of the Staff Rules

2.1 Retention in service beyond the mandatory age of separation for a staff member appointed under the 100 series of the Staff Rules, up to and including at the D-2 level, may be granted provided the criteria below are met:

(a) It has not been possible to identify a qualified candidate to discharge the functions of the post in a timely manner; and

(b) Retention of the staff member is in the interest of the Organization due to the exigencies of the service concerned;

and the conditions set out in section 3 below are satisfied.

2.2 If a staff member is retained, it shall be for the minimum time required for the replacement of the staff member concerned and shall not normally exceed six months after that staff member has reached the mandatory age of separation.

2.3 During the period of retention, the staff member shall continue to be a participant in the United Nations Joint Staff Pension Fund until his or her separation from service.

Section 3

Procedure for retention of staff appointed under the 100 series of the Staff Rules

3.1 For succession planning purposes, departments and offices are requested to regularly identify staff appointed under the 100 series of the Staff Rules who are due to retire within a period of twelve months.

3.2 Heads of departments and offices shall regularly monitor all vacancies that are foreseen to occur in their department or office, normally as a result of staff reaching mandatory age of separation, and shall take all necessary steps to ensure that such vacancies are advertised in accordance with the requirements of section 4 of administrative instruction ST/AI/2002/4¹ at least six months before the anticipated vacancy occurs. No extension shall be granted if that requirement is not met.

3.3 If, within a six-month period after the post has been advertised, circumstances beyond the control of the department or office concerned have made it impossible to replace a staff member due to retire, that department or office may request, on an exceptional basis, that the staff member be retained beyond the mandatory age of separation, explaining why he or she could not be replaced in a timely manner, and providing information necessary to determine whether the conditions set out in sections 2.1, 3.2 and in the present section are met.

3.4 Requests for retention of staff members at the D-2 level shall be submitted to the Under-Secretary-General for Management, through the Assistant Secretary-General for Human Resources Management, for decision to be taken by the Secretary-General.

3.5 Requests for retention of staff members in the Professional category and at the D-1 level, and of staff members in the General Service and related categories administered by Headquarters, shall be reviewed by the Superannuation Committee at Headquarters, which shall submit its recommendation to the Assistant Secretary-General for Human Resources Management, for decision.

3.6 Requests for retention of staff members in the General Service and related categories administered by the Economic Commission for Africa, the Economic Commission for Latin America and the Caribbean, the Economic and Social Commission for Asia and the Pacific, the Economic and Social Commission for Western Asia, the United Nations Office at Geneva, the United Nations Office at Nairobi and the United Nations Office at Vienna shall be reviewed by an appropriate

¹ As may be amended or replaced by a subsequent instruction.

local joint body, which shall submit its recommendation to the head of Office concerned, for decision.

3.7 No retention at any level shall be approved by the officials to whom authority is delegated under sections 3.5 and 3.6 above unless the request fulfils all the requirements and conditions contained in the present instruction.

Section 4

Project personnel appointed under the 200 series of the Staff Rules

Project personnel appointed under the 200 series of the Staff Rules may be retained beyond the mandatory age of separation on an exceptional basis, provided their extension is in the interest of the Organization and justified by the continuing need for their technical expertise. The decision shall be made by the head of the department or office who has the delegated authority to appoint such personnel.

II. Employment of retirees

Section 5

General conditions and contractual arrangements

5.1 Former staff members above the mandatory separation age of 60, or 62 for staff appointed on or after 1 January 1990, shall not be employed by the Organization, unless:

(a) The operational requirements of the Organization cannot be met by staff members who are qualified and available to perform the required functions;

(b) The proposed employment would not adversely affect the career development or redeployment opportunities of other staff members and represents both a cost-effective and operationally sound solution to meet the needs of the service.

When such employment is approved, it shall begin only after a period of at least three months has elapsed since the date of retirement of the staff member.

5.2 In deciding whether to employ a retiree, due regard shall be given to the requirements of geographical and gender balance.

5.3 No retiree may be employed without a prior medical clearance.

5.4 Provided the above conditions are met, such former staff may be re-employed under the following contractual arrangements:

(a) For service specifically with a United Nations mission or to replace staff on mission service under a 300 series appointment of limited duration or a 100 series appointment, as appropriate;

(b) For service as technical cooperation personnel under a 200 series appointment;

(c) For conference and other short-term service under a 300 series short-term appointment;

(d) As an individual contractor or as a consultant, in accordance with the conditions of administrative instruction ST/AI/1999/7.²

5.5 Former staff members above age 55 who have not reached the mandatory age of separation may be employed under one of the contractual arrangements enumerated in section 5.4, subject to the following conditions:

(a) At least three months have elapsed since their retirement at or after age 55. This limitation shall not apply in the case of reinstatement under staff rule 104.3 (b);

(b) In cases of agreed termination, after the period during which the relevant agreement precludes re-employment or, in the absence of a specific clause, after a period of three years from the date of separation from service.

Section 6

Restrictions concerning former staff in receipt of a pension benefit

6.1 Employment of former staff who are in receipt of a pension benefit from the United Nations Joint Staff Pension Fund shall be subject to the following restrictions:

(a) Except for language services staff, such former staff may not receive compensation of more than US\$ 22,000 per calendar year. Their period of service shall not exceed six months per calendar year;

(b) Language services staff may not be paid more than the monetary equivalent of 125 days per calendar year;

(c) In all cases, former staff may not be re-employed at a level higher than that at which they separated from the organization concerned, or higher than the level at which regular staff are remunerated for the same function at the same duty station.

6.2 The monetary limits set out above shall apply to:

(a) Gross salary, less staff assessment, for former staff employed under a letter of appointment;

(b) Gross amount of the stipulated fee for former staff employed under a consultant or an individual contractor agreement.

Amounts other than those for direct compensation of services rendered, such as travel costs, daily subsistence allowance and other per diem payments, shall not be included in the amounts subject to the above monetary limits.

6.3 The monetary limits set out above shall apply to the remuneration that may be received in a calendar year by former staff members of the United Nations Secretariat, its Funds and Programmes and specialized agencies participating in the United Nations Joint Staff Pension Fund. Former staff members employed under contractual arrangements which involve re-entry into the United Nations Joint Staff Pension Fund shall not be subject to the restrictions set out in section 6.1.

6.4 Former staff members in receipt of a pension benefit who seek re-employment by the Organization shall be held responsible and accountable for the maintenance of proper records documenting their earnings during each calendar year.

² As may be amended or replaced by a subsequent instruction.

Section 7
Retirees from other common system organizations

Retirees from another common system organization may exceptionally be employed in the absence of qualified and available non-retiree candidates, as well as of qualified and available United Nations retiree candidates, provided the conditions in sections 5 and 6 of the present instruction are met.

Section 8
Final provisions

8.1 The present administrative instruction shall enter into force on 15 November 2003.

8.2 Administrative instruction ST/AI/1999/5 is hereby abolished.

(Signed) Catherine **Bertini**
Under-Secretary-General for Management
