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Item 135 of the preliminary list*

Human resources management

Amendments to the Staff Rules

Report of the Secretary-General

Summary

Consistent with staff regulation 12.3, the present report contains the full text of new rules and amendments to existing rules that the Secretary-General proposes to implement as of 1 January 2013. The report also provides the rationale for those amendments, which are mostly of a technical nature.

The Secretary-General recommends that the General Assembly take note of the amendments to the Staff Rules set out in the annex to the present report.

* A/67/50.



1. Staff regulation 12.3 provides that the full text of provisional staff rules and amendments shall be reported annually to the General Assembly.
2. The proposed amendments contained in the annex to the present report will take effect as of 1 January 2013.

Rules

3. In rule 1.2, Basic rights and obligations of staff, subparagraph (p), Conflict of interest, is amended to bring it in line with the decision made by the General Assembly in paragraph 12 of its resolution 66/234.
4. In rule 3.6, Dependency allowances, subparagraphs (a) (i) and (c) are amended for clarity.
5. In rule 3.13, Mobility allowance, subparagraphs (a) and (b) are amended to reflect the decision of the International Civil Service Commission in its annual report of 2011, as reflected in General Assembly resolution 66/235, as well as to precisely prescribe when the allowance is payable.
6. A new rule 3.15, Additional hardship allowance for service in non-family duty stations, is introduced to reflect the decision of the General Assembly in its resolution 65/248 to introduce the allowance.
7. Former rule 3.15, Salary advances, is renumbered as rule 3.16.
8. Rule 3.16, Retroactivity of payments, is renumbered as rule 3.17.
9. Rule 3.17, Deductions and contributions, is renumbered as rule 3.18.
10. Rule 3.18, Repatriation grant, is renumbered as rule 3.19.
11. Former rule 3.19, Mission assignments, has been deleted since the General Assembly, in its resolution 65/248, approved the recommendations of the International Civil Service Commission regarding the harmonization of the designation of non-family duty stations on the basis of a security assessment, rather than by mission, and the change of official duty station after three or six months.
12. In rule 4.12, Temporary appointment, subparagraph (b) has been amended to reflect the provisions of General Assembly resolution 63/250.
13. In rule 4.15, Senior Review Group and central review bodies, a new subparagraph (f) is inserted, regarding review bodies for the separately administered funds and programmes. The amendment allows these funds and programmes to establish their own review bodies. This text was already included in the 100 series of the Staff Rules. The other subparagraphs of this rule have been renumbered.
14. In rule 5.2, Home leave, subparagraphs (b) (iii), (e) (i) and (ii), (f), (g), (i) and (l) (ii) have been amended to allow for the introduction of a point system.
15. In rule 5.3, Special leave, subparagraph (a) (iii) is now subparagraph (f). Subparagraph (e) has been amended to clarify the provisions of this rule and integrated into new subparagraph (g). The other subparagraphs of this rule have been renumbered.
16. In rule 7.2, Official travel of eligible family members, subparagraph (c) was amended to make clear that the Organization will not install eligible family members in, or pay for their travel to, non-family duty stations.

17. In rule 7.3, Loss of entitlement to return travel expenses, subparagraph (a) has been amended to include a shorter period for staff at designated duty stations, since home leave at these duty stations occurs every 12 months instead of every 24 months.

18. In rule 9.8, Termination indemnity, subparagraph (f) has been amended to make it clearer.

19. In rule 9.11, Last day for pay purposes, subparagraph (a) (vii), the second column of the table has been renamed to clarify that it concerns not an extension of appointment but rather a payment that is made.

20. The Secretary-General recommends that the General Assembly take note of the amendments to the Staff Rules set out in the annex to the present report.

Annex

Text of amendments to the Staff Rules

Rule 1.2

Conflict of interest

(p) A staff member whose personal interests interfere with the performance of his or her official duties and responsibilities or with the integrity, independence and impartiality required by the staff member's status as an international civil servant, shall disclose any such actual or possible interest to the head of office and, except as otherwise authorized by the Secretary-General, formally excuse himself or herself from participating with regard to any involvement in that matter which might give rise to a conflict of interest situation.

Rule 3.6

Dependency allowances

(a) For the purposes of the Staff Regulations and Staff Rules:

(i) A "dependent spouse" is a spouse whose occupational earnings, if any, do not exceed the lowest entry level of the United Nations General Service gross salary scales in force on 1 January of the year concerned for the duty station in the country of the spouse's place of work. In the case of staff in the Professional and higher categories and in the Field Service category, the entry level amount referenced shall not at any duty station be less than the equivalent of the lowest entry level salary at the base of the salary system (G-2, step I, for New York);

(c) Subject to the provisions of staff regulation 3.4 (a), the full amount of the dependency allowance provided under that regulation and under the Staff Rules in respect of a dependent child shall be payable, except where the staff member or his or her spouse receives a direct governmental grant in respect of the same child. Where such a governmental grant is made, the dependency allowance payable under this rule shall be the approximate amount by which the governmental grant is less than the dependency allowance set out under the Staff Regulations and Staff Rules. No dependency allowance is payable if the governmental grant is equal to or exceeds the rate set out under the Staff Regulations and Staff Rules.

Rule 3.13

Mobility allowance

(a) ...

The mobility allowance shall be discontinued upon receipt of such allowance for five consecutive years at the same duty station. In the exceptional case of staff members who remained at the same duty station at the explicit request of the Organization or for compelling humanitarian reasons, the mobility allowance is payable for one additional year.

(b) The amount of the mobility allowance, if any, and the conditions under which it will be paid, shall be determined by the Secretary-General taking into account the length of the staff member's continuous service in the United Nations common system of salaries and allowances, the number of duty stations at which he

or she has previously served for a period of one year or longer and the hardship classification of the new duty station to which the staff member is assigned.

Rule 3.15

Additional hardship allowance for service in non-family duty stations

(a) When a duty station has been designated as non-family, the presence of eligible dependants of the staff member shall not be authorized at the duty station, unless exceptionally approved by the Secretary-General;

(b) Staff in the Professional and higher categories and in the Field Service category, and staff in the General Service category considered internationally recruited pursuant to staff rule 4.5 (c), who are appointed or reassigned to a non-family duty station may be paid a non-pensionable additional non-family hardship allowance, unless the Secretary-General has exceptionally approved the presence of eligible dependants of the staff member at the duty station pursuant to staff rule 3.15 (a).

Rule 4.12

Temporary appointment

(b) The appointment of a staff member who has served for the maximum period as described in paragraph (a) above may be renewed for up to one additional year when warranted by surge requirements and operational needs related to field operations and special projects with finite mandates under circumstances and conditions established by the Secretary-General.

Rule 4.15

Senior Review Group and central review bodies

Central review bodies

(f) Executive heads of separately administered programmes, funds and subsidiary organs of the United Nations to whom the Secretary-General has delegated the authority to appoint, select and promote staff may establish advisory bodies to advise them in the case of staff members recruited specifically for service with those programmes, funds or subsidiary organs. The composition and functions of such advisory bodies shall be generally similar to those of the central review bodies established by the Secretary-General.

Rule 5.2

Home leave

(b) (iii) In the case of home leave following the return from a family visit travel under staff rule 7.1 (a) (vii), normally not less than nine months of continuous service have elapsed since return from the family visit travel.

(e) (i) A staff member's home leave shall fall due upon completion of twenty-four months of qualifying service;

(ii) After falling due, home leave may be taken within twelve months, subject to the exigencies of service.

(f) A staff member may be granted advance home leave, provided that normally not less than twelve months of qualifying service have been completed or

that normally not less than twelve months of qualifying service have elapsed since the date of return from his or her last home leave. The granting of advance home leave shall not advance the eligibility for, or due date of, the next home leave. The granting of advance home leave shall be subject to the conditions for the entitlement being subsequently met. If these conditions are not met, the staff member will be required to reimburse the costs paid by the Organization for the advance travel.

(g) If a staff member delays taking his or her home leave beyond the twelve-month period after which it falls due, such delayed leave may be taken without altering the time of his or her next and succeeding home leave entitlements, provided that normally not less than twelve months of qualifying service elapse between the date of the staff member's return from the delayed home leave and the date of his or her next home leave departure.

(i) Subject to the conditions specified in chapter VII of the present Rules, a staff member shall be entitled to claim, in respect of authorized travel on home leave, expenses for himself or herself and eligible family members for the outward and return journeys between the official duty station and the place of home leave. A staff member may also claim travel time in respect of authorized travel on home leave.

(l) (ii) In the case of home leave following the staff member's return from family visit travel under staff rule 7.1 (a) (vii), normally a period of not less than three months of continuous service has elapsed since the staff member's return from family visit travel.

Rule 5.3

Special leave

(f) In exceptional cases, the Secretary-General may, at his or her initiative, place a staff member on special leave with full pay if he or she considers such leave to be in the interest of the Organization;

(g) Continuity of service shall not be considered broken by periods of special leave with or without pay. However, staff members shall not accrue service credits towards sick, annual and home leave, salary increment, seniority, termination indemnity and repatriation grant during periods of special leave with partial pay or without pay exceeding one month. Periods of special leave with partial pay or without pay exceeding one month shall not be counted towards accrued years of service for eligibility requirements for a continuing appointment.

Rule 7.2

Official travel of eligible family members

(c) The United Nations shall not install family members in, or pay their travel expenses to, non-family duty stations.

Rule 7.3

Loss of entitlement to return travel expenses

(a) A staff member holding a fixed-term or continuing appointment who resigns before completing one year of service or within six months following the date of his or her return from travel on home leave or family visit, or within three months for a staff member assigned to designated duty stations, shall not be entitled

to payment of return travel expenses for himself or herself and family members unless the Secretary-General determines that there are compelling reasons for authorizing such payment.

Rule 9.8

Termination indemnity

(f) A staff member selecting the option of special leave described in staff rule 9.8 (d) shall sign an undertaking acknowledging that his or her status on special leave is solely for pension purposes and that his or her entitlements and those in respect of any dependants to all other emoluments and benefits under the Staff Regulations and Staff Rules are determined as final as at the date of commencement of such special leave.

Rule 9.11

Last day for pay purposes

(a) (vii) ...

Completed years of service (as defined in rule 9.8)

Months of salary

Months of salary referenced above may be made in a lump sum as soon as the pay accounts and related matters can be closed. Such payment shall be made only to the surviving spouse and dependent children. For staff in the Professional and higher categories, the payment shall be calculated on the basis of the staff member's gross salary less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (i). For staff in the Field Service category, the payment shall be calculated on the basis of the staff member's gross salary less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (i), plus language allowance, if any. For staff in the General Service and related categories, the payment shall be calculated on the basis of the staff member's gross salary, including language allowance, if any, less staff assessment according to the schedule of rates set forth in staff regulation 3.3 (b) (ii) applied to the gross salary alone. All other entitlements and accrual of benefits shall cease as at the date of death, except as provided by staff rule 3.9 (f) for payment of education grant when the staff member dies while in service after the beginning of a school year.