



22 April 2013

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## **Administrative instruction**

### **Administration of fixed-term appointments**

The Under-Secretary-General for Management, pursuant to section 4.2 of Secretary-General's bulletin ST/SGB/2009/4, and for the purpose of establishing terms and conditions pertaining to the use and administration of fixed-term appointments in accordance with staff regulation 4.5 and staff rule 4.13, hereby promulgates the following:

#### **Section 1 General**

1.1 The purpose of the fixed-term appointment is to enable the assignment and appointment of staff in accordance with the regular and changing needs of the Organization.

1.2 In accordance with staff regulation 4.5 (c) and staff rule 4.13 (c), a fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service, except as provided under staff rule 4.14 (b).

#### **Section 2 Use and duration of fixed-term appointments**

2.1 A fixed-term appointment may be granted to enable the employment of staff for defined periods of time, subject to the needs of the Organization, such as:

- (a) To work on activities with a finite mandate of one year or more;
- (b) To perform functions of medium-term duration, which could continue for a number of years;
- (c) To perform functions that are part of the Organization's regular and continuing activities.

2.2 Pursuant to staff rule 4.13 (a), a fixed-term appointment may be granted for a period of one year or more, up to five years at a time, to individuals recruited for service of a prescribed duration having an expiration date specified in the letter of appointment. This includes individuals:



(a) Selected but not reviewed by a Secretariat review body for positions at the Public Information Assistant PIA I to PIA II, Trade and Crafts TC-1 to TC-3, Security Service S-1 and S-2, and General Service GS-1 to GS-4 levels;

(b) Selected but not reviewed by a Secretariat review body for appointments limited to specific entities;

(c) Selected through a competitive process that includes a review by a Secretariat review body under staff rule 4.15;

(d) Selected through a competitive examination under staff rule 4.16;

(e) Selected in accordance with section 2.2 (c) above and temporarily seconded by national Governments or institutions for service with the United Nations;

(f) Selected at the Assistant Secretary-General and Under-Secretary-General levels by the Secretary-General.

### **Section 3**

#### **Appointment and re-employment**

3.1 With the exception of the staff referenced in sections 3.2, 3.3 and 3.4 below, the initial fixed-term appointment granted shall be for a period of one year, including the first appointment of a staff member after having served as an Associate Expert, and on secondment or loan from other entities of the United Nations common system.

3.2 Further to an inter-organization agreement, individuals who transfer to the Secretariat from another organization of the United Nations common system shall be granted an initial fixed-term appointment for a period of:

(a) One year, if the individual held a fixed-term appointment with the releasing organization; or

(b) Two years, if the individual held a permanent, continuing or indefinite appointment with the releasing organization.

3.3 Individuals selected through a competitive examination, as well as individuals selected at the Assistant Secretary-General and Under-Secretary-General levels, shall be granted a fixed-term appointment for a period of one year or more as specified in their letter of appointment.

3.4 Individuals temporarily seconded by national Governments or institutions for service with the United Nations, shall be appointed in accordance with a tripartite secondment agreement confirming, inter alia, United Nations staff member status and the right to return to the releasing Government or institution. Such individuals shall be granted a fixed-term appointment if engaged for a period of one year or more as specified in their letter of appointment. Individuals selected for temporary vacancies shall be granted a temporary appointment.

3.5 The place of recruitment for staff selected for posts subject to international recruitment is the location of the individual's most recent residence at the time the offer of appointment is sent and/or pre-recruitment formalities finalized, irrespective of the staff member's country of nationality recognized by the Secretary-General, place of home leave or where the individual is a permanent resident. In exceptional circumstances, a change in the place of recruitment may be authorized.

3.6 The place of recruitment for staff selected for posts subject to local recruitment shall be in the country or within commuting distance of the duty station.

3.7 The appointment of a staff member takes effect from the date on which the individual is duly authorized to enter into official travel status to assume his or her duties, or, if no official travel is involved, from the duly authorized date on which the staff member reports for duty. Travel of a candidate or staff member to the duty station or reporting for duty, prior to the authorized date, does not advance the entry on duty date.

3.8 Pursuant to staff rule 4.17, a former staff member may be re-employed.

3.9 A former staff member will be ineligible for re-employment following his or her separation from service for any of the following reasons:

- (a) Abandonment of post;
- (b) Misconduct;
- (c) Termination or non-renewal of appointment for unsatisfactory service;

(d) Resignation during an investigation of misconduct or institution of a disciplinary process, unless the former staff member agrees to cooperate with an ongoing investigation or disciplinary process until its conclusion.

3.10 Upon separation from service following resignation from a fixed-term appointment, a former staff member will be ineligible for re-employment for a period of 31 days following the separation.

3.11 A staff member serving under a fixed-term appointment in the General Service category who applies in response to a regular and not temporary vacancy announcement, and who is selected and offered a Field Service or National Professional Officer position following a competitive process, must resign from his or her current position and separate from the Organization. The individual may then be re-employed no earlier than seven days following the separation.

3.12 In the case of separation following a mutually agreed termination of appointment, unless otherwise specified in the agreement, a former United Nations common system staff member will be ineligible for re-employment for a period of three years following the separation.

3.13 In the case of separation from service on retirement, a former staff member will be ineligible for re-employment on a fixed term appointment.

3.14 A former staff member who is re-employed under staff rule 4.17 shall be given a new appointment unless he or she is reinstated under staff rule 4.18. A new appointment resets a staff member's date of entry on duty in the United Nations Secretariat, and the staff member's service shall not be considered as continuous between the prior and new appointment. Accordingly, under no circumstances may a staff member who has separated from service carry over any accrued annual leave to a new appointment upon re-employment.

#### **Section 4**

##### **Renewal and extension of fixed-term appointments**

4.1 A renewal of appointment may be for service in the same position or upon selection for a different position.

4.2 Subsequent to the initial fixed-term appointment, an appointment may be renewed for any period of up to a maximum period of two years at a time. There is no limitation to the number of times an appointment may be renewed consecutively, subject to the needs of the Organization.

4.3 A fixed-term appointment may be renewed for any period of up to five years at a time, provided that on the date of renewal the staff member:

(a) Has served a minimum of five years of continuous service<sup>1</sup> under fixed-term appointments governed by the Staff Regulations and Rules of the United Nations;

(b) Continues to hold a fixed-term appointment and was selected through a competitive process that included a review by a Secretariat review body;<sup>2</sup>

(c) Has received a performance rating of at least “Meets expectations” or the equivalent in his/her appraisal reports of the last five years;

(d) Has not availed of special leave without pay for more than six cumulative months within the last five years;

(e) Has not separated from the Organization and received payment on account of termination indemnity, repatriation grant or commutation of accrued annual leave within the last five years.

4.4 A proposed renewal of appointment shall not create any obligations on behalf of the Organization if it is not accepted by the staff member on a timely basis, or the staff member. The Organization initiates a renewal of appointment by issuing a letter of renewal indicating the new expiration date and change of department, office or duty station, if any. The staff member shall be requested to sign the letter of renewal accepting the new expiration date and conditions of appointment. Failure to sign and return the letter of renewal within 14 days of receipt shall nullify any proposed renewal of appointment and the staff member’s fixed-term appointment shall expire on the expiration date specified in the currently valid letter of appointment.

*Extension of fixed-term appointments for utilization of maternity and paternity leave*

4.5 The fact that a staff member is or will be on maternity or paternity leave shall not be a factor in considering renewal of appointment.

4.6 If, however, on the basis of considerations unrelated to the staff member’s pregnancy, a decision is made not to renew a fixed-term appointment and the current appointment is due to expire during the period of maternity leave, the appointment will be extended to cover the full duration of the leave. This provision shall not apply in cases where the fixed-term appointment expires more than six weeks before the anticipated date of delivery.

4.7 If, however, on the basis of considerations unrelated to the staff member’s decision to take paternity leave, a decision is made not to renew a fixed-term appointment and the current appointment is due to expire during the first eight weeks following the birth of the child, the appointment will be extended to cover the full duration of the leave taken in one continuous period.

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<sup>1</sup> Time served as an Associate Expert is not counted towards the five years of continuous service.

<sup>2</sup> A review by a Secretariat body is not required for staff in the PIA I to PIA II, TC-1 to TC-3, S-1 and S-2, and GS-1 to GS-4 levels.

4.8 When an appointment is extended solely to enable a staff member to utilize the maternity or paternity leave entitlement under sections 4.6 and 4.7 above, such extension shall not give rise to any further entitlement to salary increment, annual leave, sick leave or home leave, although credit towards repatriation grant may continue to accrue if the staff member has not returned to his or her home country. In the event of death during the period of the extension, the period prior to the staff member's death may be taken into account in the determination of the death benefit provided under staff rule 9.11.

*Extension of fixed-term appointments for utilization of sick leave*

4.9 When a staff member on a fixed-term appointment is incapacitated for service by reason of an illness that continues beyond the date of expiration of the appointment, he or she shall be granted an extension of the appointment, after consultation with the Medical Director or designated medical officer, for the continuous period of certified illness up to the maximum entitlement to sick leave at full pay and half pay under staff rule 6.2.

(a) The maximum entitlement shall be determined by the nature of the staff member's appointment and length of continuous service;

(b) When the staff member is being considered for a disability benefit, and paid leave entitlements have been exhausted because of a delay in the medical determination of the staff member's incapacity for further service or in the decision by the United Nations Staff Pension Committee as to whether to award a disability benefit, the staff member shall be placed on special leave with half pay until the date of such decision.

4.10 When a staff member's fixed-term appointment is extended solely to enable him or her to utilize his or her sick leave under section 4.9 above, such extension shall not give rise to any further entitlement to salary increment, annual leave, sick leave, maternity leave, paternity leave or home leave, although credit towards repatriation grant may continue to accrue if the staff member has not returned to his or her home country. Sick leave on half pay during the period of extension may not be supplemented by annual leave. In the event of death during the period of extension, the period prior to the death may be taken into account in the determination of the death benefit provided in staff rule 9.11.

*Extension of fixed-term appointments for completion of performance improvement plan*

4.11 Should unsatisfactory performance be the basis for a decision for a non-renewal of a fixed-term appointment and should the appointment expire before the end of the period covering a time-bound performance improvement plan, the appointment should be renewed for the duration necessary for the completion of the performance improvement plan.

4.12 Should unsatisfactory performance be the basis for a decision of non-renewal of an appointment and should the appointment expire before the end of a rebuttal process initiated by a staff member, the appointment should be renewed for the duration necessary for the completion of the rebuttal process.

*Extension of probationary period on fixed-term appointment for staff recruited upon successful completion of a competitive examination pursuant to staff rule 4.16*

4.13 A staff member recruited upon successful completion of a competitive examination pursuant to staff rule 4.16 shall be granted a continuing appointment after two years on a fixed-term appointment, subject to satisfactory service. Where service has not been satisfactory during the two-year probationary period, the fixed-term appointment may exceptionally be extended under the same terms and conditions for a further period of up to one year. If the staff member does not have two years of satisfactory service, he or she will be separated from service upon expiry of appointment or terminated for unsatisfactory performance in accordance with staff regulation 9.3 (a) (ii) and staff rule 9.6 (c) (ii).

## **Section 5**

### **Fitness for duty**

In order to determine a candidate's fitness to assume the assigned functions, he or she shall be subject to medical clearance prior to the issuance of the letter of appointment or renewal of appointment, as provided in the administrative instruction on medical clearances (ST/AI/2011/3).

## **Section 6**

### **Mobility**

In accordance with staff regulation 1.2 (c), staff members are subject to the authority of the Secretary-General and to assignment by him or her to any of the activities or offices of the United Nations. In this context, all staff members are required to move periodically to new positions, organizational units, duty stations or occupational groups in accordance with established rules and procedures.

## **Section 7**

### **Expiration of appointment and termination**

7.1 A fixed-term appointment expires on the expiration date specified in the letter of appointment or letter of renewal of appointment.

7.2 The Secretary-General may terminate the appointment of a staff member who holds a fixed-term appointment in accordance with the terms of his or her appointment or for any of the reasons listed in staff regulation 9.3.

## **Section 8**

### **Final provisions**

The present administrative instruction shall enter into force on its date of issuance.

(Signed) Yukio **Takasu**  
Under-Secretary-General for Management