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### PERSONNEL QUESTIONS

#### OTHER PERSONNEL QUESTIONS

#### Amendments to the Staff Rules

#### Report of the Secretary-General

1. The Staff Regulations of the United Nations provide in regulation 12.3 that the full text of provisional staff rules and amendments shall be reported annually to the General Assembly.

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2. Staff rules 101.1 through 112.8, which are applicable to all staff except technical assistance project personnel, staff members specifically engaged for conference and other short-term service, and special interns, were the subject of provisional amendments to be issued as documents ST/SGB/Staff Rules/1/Rev.5/Amend.4 and 5.

3. The purpose of the provisional amendments to be issued as document ST/SGB/Staff Rules/1/Rev.5/Amend.4 is to implement staff regulations 8.1 and 8.2 as revised by the General Assembly in the annex to its resolution 37/235 C of 21 December 1982. Rule 108.1, Staff Council, is replaced by a new rule 108.1 entitled "Staff representative bodies" and rule 108.2, Joint Advisory Committee, by a new rule 108.2 entitled "Joint staff-management machinery". These new rules are reproduced in annex I to the present report.

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\* A/38/150.

4. The provisional amendments to be issued as document ST/SGB/Staff Rules/1/Rev.5/Amend.5 are explained below.

(a) Rule 107.20, Installation, is amended to shorten from two years to one year the period required for payment of the full grant on a staff member's return to a duty station where he or she was previously stationed.

(b) Rule 110.4, Suspension pending investigation, is amended to provide that suspension pending investigation shall normally be with pay.

(c) Rule 111.1, Joint Appeals Board, rule 111.2, Composition of the Joint Appeals Board, rule 111.3, Procedure of the Joint Appeals Board, and rule 111.4, Appeals in offices away from Headquarters, are replaced by new rules 111.1 entitled "Establishment" and 111.2 entitled "Appeals", which are designed to update and improve the appeals machinery. The above amendments and new rules are reproduced in annex II to the present report.

5. Appendix A was the subject of an amendment to be issued as document ST/SGB/Staff Rules/1/Rev.5/Appendix A/Amend.3. Its purpose is to show the revised scales of pensionable remuneration for staff in the Professional and higher categories, promulgated by the International Civil Service Commission (ICSC) in accordance with the definition of pensionable remuneration contained in article 55 of the Regulations of the United Nations Joint Staff Pension Fund as approved by the General Assembly at its thirty-fifth session. It is also to reflect the revised scales of the pensionable remuneration for staff in the Field Service category which, in accordance with previous practice, have been adjusted by the same percentage amounts applicable to staff in the Professional and higher categories. It was made effective retroactive to 1 October 1982.

6. Appendix B (Headquarters) was also the subject of an amendment to be issued as document ST/SGB/Staff Rules/1/Rev.5/Appendix B (Headquarters)/Amend.6. The purpose of the document is to show the revised salary scales for the General Service and related categories, approved by the Secretary-General on the basis of recommendations by ICSC in accordance with the interim adjustment procedures for application between comprehensive salary reviews. It also reflects the increase of the dependent child allowance at Headquarters on the basis of the decision taken by ICSC at its fifteenth session regarding staff in the General Service and related categories. It further reflects the increase of the dependent spouse allowance for staff in the General Service and related categories, approved by the Secretary-General on the basis of the procedures established by ICSC for adjusting that allowance. The document was made effective retroactive to 1 October 1982.

7. Appendix B (Geneva) was amended for the following purposes.

(a) To delete the ceiling which had been applied to the non-resident's allowance, effective 1 October 1982,

(b) To reflect changes in the salary rates and various allowances for the General Service category, with effect from 1 February 1983.

The above amendments were published respectively as documents ST/SGB/Staff Rules/1/Rev.5 Appendix B (Geneva)/Amend.3 of 13 December 1982 and ST/SGB/Staff Rules/1/Rev.5 Appendix B (Geneva)/Amend.4 of 22 March 1983.

8. Appendix B (Vienna) was amended for the following purposes.

(a) To show the new salary schedules for General Service staff, with effect from 1 February 1983, and the change in allowance for a dependent spouse of General Service and Manual Worker staff, with effect from 1 January 1983,

(b) To show the new salary schedules for Manual Worker staff, with effect from 1 April 1983.

The above amendments were published respectively as documents ST/SGB/Staff Rules/1/Rev.5 Appendix B (Vienna)/Amend.8 of 29 March 1983 and ST/SGB/Staff Rules/1/Rev.5 Appendix B (Vienna)/Amend.9 of 9 June 1983.

9. The salary scales for the General Service category and the Manual Workers category at other duty stations were revised as necessary from time to time.

Annex I

STAFF RULES

Chapter VIII

STAFF RELATIONS

Rule 108.1

STAFF REPRESENTATIVE BODIES

**Definition:** The term "staff representative bodies", as used in chapter VIII of the Staff Rules, shall be deemed to include Staff Councils, as referred to in other chapters of the Rules, as well as other corresponding staff representative bodies established in accordance with staff regulation 8.1 (b).

(a) Staff representative bodies shall be established at the following duty stations: Addis Ababa, Baghdad, Bangkok, Geneva, Jerusalem, Nairobi, New York, Santiago and Vienna. Staff representative bodies may also be established at other duty stations, each of which may affiliate with a staff representative body at one of the duty stations specified above. Staff members serving in duty stations where no staff representative body exists may decide to be represented through a staff representative body at one of the specified duty stations.

(b) Each member of the staff may participate in elections to a staff representative body and all staff serving at a duty station where a staff representative body exists shall be eligible for election to it, subject to any exceptions as may be provided in the electoral regulations drawn up by the staff representative body concerned and meeting the requirements of regulation 8.1 (b).

(c) Polling Officers selected by the staff shall conduct the election of the members of each staff representative body, on the basis of the electoral regulations of the staff representative body concerned, in such a way as to ensure the complete secrecy and fairness of the vote. The polling officers shall also conduct other elections of staff members as required by the Staff Regulations or Rules.

(d) The staff representative bodies shall be entitled to effective participation through their duly elected executive committees, in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other personnel policies, and shall be entitled to make proposals to the Secretary-General on behalf of the staff.

(e) In accordance with the principle of freedom of association, staff members may form and join associations, unions or other groupings. However, formal contact and communication on the matters referred to in paragraph (d) shall be conducted at each duty station through the executive committee of the staff representative body which shall be the sole and exclusive representative body for such purpose.

(f) General administrative instructions or directives on questions within the scope of paragraph (d) shall be transmitted in advance, unless emergency situations make this impracticable, to the executive committees of the staff representative bodies concerned for consideration and comment before being placed in effect.

## Rule 108.2

### JOINT STAFF-MANAGEMENT MACHINERY

(a) The joint staff-management machinery provided for in regulation 8.2 shall consist of:

- (i) Joint Advisory Committees or corresponding staff-management bodies, at designated duty stations, normally composed of not less than three and not more than seven staff representatives and an equal number of representatives of the Secretary-General;
- (ii) A Secretariat-wide joint staff-management body composed of equal numbers of representatives of the staff and of representatives of the Secretary-General.

(b) The President of the staff-management bodies referred to in paragraph (a) above shall be selected by the Secretary-General from a list proposed by the staff representatives.

(c) Instructions or directives embodying recommendations made by the bodies referred to in paragraph (a) above shall, if made with the concurrence of the staff representatives, be regarded as having satisfied the requirements of rule 108.1 (d) and (f).

(d) The joint staff-management bodies referred to in paragraph (a) shall establish their own rules and procedures.

(e) The Secretary-General shall designate Secretaries of the joint staff-management bodies referred to in paragraph (a) and shall arrange for such services as may be necessary for their proper functioning.

Annex II

STAFF RULES

Chapter VII

TRAVEL AND REMOVAL EXPENSES

Rule 107.20

INSTALLATION

Staff rule 107.20 (d), as amended, reads as follows:

"If a change of official duty station represents a return to a place where the staff member was previously stationed, the full amount of the installation grant 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 grant which the completed months of absence bear to one year."

Chapter X

DISCIPLINARY MEASURES

Rule 110.4

SUSPENSION PENDING INVESTIGATION

Staff rule 110.4, as amended, reads as follows:

"If a charge of misconduct is made against a staff member and the Secretary-General so decides, the staff member may be suspended from duty pending investigation. Such suspension shall be with pay unless, in exceptional circumstances, the Secretary-General decides that suspension without pay is appropriate. The suspension shall be without prejudice to the rights of the staff member."

Chapter XI

JOINT APPEALS BOARDS

Rule 111.1

ESTABLISHMENT

(a) Joint Appeals Boards shall be established in New York, Geneva and Vienna to consider and advise the Secretary-General regarding appeals filed under the terms of staff regulation 11.1.

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- (b) Each Joint Appeals Board shall be composed of:
  - (i) Chairpersons appointed by the Secretary-General from among a list presented by the joint staff-management machinery in respect of the staff representative body or bodies at the duty station at which the Board is established;
  - (ii) Members appointed by the Secretary-General;
  - (iii) An equal number of members elected by ballot of the staff under the jurisdiction of the Board.

The number of chairpersons and members of each Board shall be determined by the Secretary-General upon recommendation of the joint staff-management machinery in respect of the staff representative body or bodies at the duty station at which the Board is established.

(c) The chairpersons and members of the Joint Appeals Board shall be appointed or elected for two years, shall be eligible for reappointment or re-election and shall remain in office until their successors are appointed or elected.

(d) A chairperson may be removed from a Board by the Secretary-General upon recommendation of the joint staff-management machinery in respect of the staff representative body or bodies of the duty station at which the Board is established. The members appointed by the Secretary-General may be removed by him. The members elected by the staff may be recalled by a majority vote of the staff under the jurisdiction of the Board concerned, taken at the initiative of any staff representative body at the duty station at which that Board is established.

(e) Each Board shall establish its own rules of procedure, which shall specify how its presiding officer and, where necessary, any alternate presiding officers, shall be selected from among the chairpersons.

(f) Each Joint Appeals Board may, by a majority vote of all its chairpersons and members, recommend to the Secretary-General changes in this chapter of the Staff Rules.

(g) The secretariat of each Joint Appeals Board shall consist of a Secretary and such other staff as may be required for its proper functioning.

#### Rule 111.2

#### APPEALS

(a) A staff member wishing to appeal an administrative decision, pursuant to staff regulation 11.1, shall, as a first step, address a letter to the Secretary-General, requesting that the administrative decision be reviewed; such a letter must be sent within two months from the date the staff member received

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notification of the decision in writing. The Secretary-General, in reviewing the administrative decision in question, and with the consent of the staff member, may seek the assistance of a chairperson or member of the appropriate Joint Appeals Board, to be designated by its presiding officer, with a view to reaching a conciliatory conclusion of the matter; this procedure is without prejudice to the right of the staff member to pursue an appeal through the procedure specified in the present rule.

- (i) If the Secretary-General replies to the staff member's letter, he or she may appeal against the answer within one month of the receipt of such reply;
  - (ii) If the Secretary-General does not reply to the letter within one month in respect of a staff member stationed in New York, or elsewhere within two months, the staff member may appeal against the original administrative decision within one month of the expiration of the time-limit specified in this subparagraph for the Secretary-General's reply.
- (b) Notwithstanding the provisions of paragraph (a), a staff member may appeal against a disciplinary action within one month from the time he or she received notification of the decision in writing.
- (c) An appeal pursuant to paragraph (a) or (b) shall be filed with the Secretary of the appropriate Joint Appeals Board, to be determined as follows:
- (i) In respect of staff members serving at a duty station at which a Board has been established or who are administered by organizational units located at such a duty station, it shall be that Board;
  - (ii) In respect of former staff members who last served at a duty station at which a Board has been established or who were administered by organizational units located at such a duty station, it shall be that Board;
  - (iii) In respect of all other staff members and of all other former staff members, it shall be the Board established in New York, provided that the Secretary-General may decide, at the request of the staff member, to refer the appeal to another one of the Boards or to establish an appropriate ad hoc body. Such staff members or former staff members may meet the time-limits specified in subparagraph (a) (i) or (ii) or in paragraph (b) by delivering the requisite submissions within such limits to any office of the United Nations for transmission to the appropriate Board.
- (d) (i) For the consideration of each appeal, the presiding officer of the appropriate Joint Appeals Board shall constitute a Panel of the Board, composed as follows:
- (a) A Panel chairperson from among the chairpersons of the Board;



- (b) A member selected from among those appointed by the Secretary-General;
- (c) A member selected from among those elected by the staff.
- (ii) In constituting such Panels, the maximum possible rotation of chairpersons and members of the Board shall be observed: the modalities of such rotation shall be specified in the rules of procedure of the Board. No person who has served on the Joint Disciplinary Committee during consideration of a specific case or who has assisted the Secretary-General in a review procedure referred to in paragraph (a) shall serve on a Panel established to consider an appeal relating to the same case.
- (iii) Before a Panel undertakes consideration of an appeal, the parties shall be notified of the proposed composition thereof. The presiding officer of the Board may, at the request of either party, disqualify the chairperson or either member if, in the opinion of the presiding officer, such action is warranted to ensure impartiality. He or she may also excuse the chairperson or either member from serving on the Panel.
- (iv) Subject to the principles set out in subparagraphs (i) to (iii), the presiding officer of the Board shall fill any vacancies arising on a Panel.
- (e) An appeal shall not be receivable unless the time-limits specified in paragraph (a) or (b) have been met or have been waived, in exceptional circumstances, by the Panel constituted for the appeal.
- (f) The filing of an appeal with the Joint Appeals Board shall not have the effect of suspending action on the administrative decision that is the subject of the appeal. However, upon request of the staff member, the Panel constituted for the appeal may, after summarily hearing both parties, recommend to the Secretary-General the suspension of action on that decision; the Secretary-General's decision on such a recommendation is not subject to any appeal.
- (g) At the duty station where the appeal is considered, the designated representative of the Secretary-General shall submit a written reply within two months following the date of receipt of the appeal.
- (h) Proceedings before a Panel shall normally be limited to the original written presentation of the case, together with brief statements and rebuttals, which may be made orally or in writing, in one of the working languages of the Secretariat.
- (i) A staff member may arrange to have his or her appeal presented to the Panel on his or her behalf by another serving or retired staff member. The staff member may not, however, be represented before the Panel by any other person.
- (j) Where the competence of the Joint Appeals Board is in doubt, the Panel constituted for the appeal shall decide.

(k) In case of termination or other action on grounds of inefficiency or relative efficiency, the Panel shall not consider the substantive question of efficiency but only evidence that the decision was motivated by prejudice or by some other extraneous factor.

(l) The Panel shall have authority to call members of the Secretariat who may be able to provide information concerning the issues before it, and shall have access to all documents pertinent to the case. The chairperson of the Panel shall determine which documents are to be transmitted to all members of the Panel and to the parties.

(m) In considering an appeal, the Panel shall act with the maximum dispatch consistent with a fair review of the issues before it.

(n) Within one month of the date on which the consideration of an appeal has been completed, the Panel shall, by majority vote, adopt and submit a report to the Secretary-General. The report shall be considered as constituting a record of the proceedings in the appeal and may include a summary of the matter, as well as all recommendations that the Panel considers appropriate. Votes on the recommendations shall be recorded, and any member of the Panel may have his or her dissenting opinion included in the report.

(o) Within one month after the Panel has forwarded its report, the final decision on the appeal shall be taken by the Secretary-General and shall be communicated to the staff member, together with a copy of the Panel's report. The Secretary-General's decision and a copy of the Panel's report shall also be transmitted to a designated officer of the staff representative body or bodies at the duty station at which the Board is established, except if the appeal was against a disciplinary action or if the staff member objects.

(p) To enable staff members to exercise their right to make application to the Administrative Tribunal under article 7, paragraphs 2 (b) and (c) of its statute, the Secretary of the Joint Appeals Board concerned shall, at the request of the staff member, communicate to him or her the report of the Panel, if the Secretary-General has not made a decision upon the report within a period of one month after the date on which the report was submitted to him.

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