



Secretariat

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ADMINISTRATIVE INSTRUCTION

To: Members of the staff

From: The Assistant Secretary-General for Personnel Services

Subject: AMENDMENTS TO THE STAFF RULES - CHAPTER XI,
JOINT APPEALS BOARDS

On the recommendation of the Staff-Management Co-ordination Committee, the Secretary-General has approved a new chapter XI of the Staff Rules entitled "Joint Appeals Boards" which relates to the establishment, composition and procedures of these Boards. The text of these amended rules, as set out in the annex to this instruction, is hereby promulgated with effect from 1 June 1983. The new text will be incorporated in a revised edition of the Staff Rules to be issued later this year.

Annex

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.

(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 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)-(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 or 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.