



Secretariat

ST/AI/400  
22 December 1994

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ADMINISTRATIVE INSTRUCTION

To: Members of the staff

From: The Assistant Secretary-General for Human Resources Management

Subject: ABANDONMENT OF POST\*

BACKGROUND CONSIDERATIONS

1. The Department of Administration and Management and, in particular, the Office of Human Resources Management, believe it important for the staff to understand the various provisions of the Staff Regulations and Rules together with the administrative instructions designed to support their application. Accordingly, the Office of Human Resources Management will continue to address procedures that require greater clarity in order to provide staff members with a fuller understanding in keeping with the Secretary-General's commitment to improving transparency.

2. The present administrative instruction addresses a topic that applies to all staff members but is an issue for an extremely small number. Nevertheless, while acknowledging that the procedures will not apply to the great majority of staff members, it is believed that clarity and greater definition is required on the topic of what constitutes abandonment of post.

OPERATIVE PROVISIONS

3. The purpose of the present administrative instruction, which supersedes instruction ST/AI/393 of 12 April 1994, is to define what constitutes abandonment of post and to set out the procedure to be followed in cases where a staff member may be deemed to have abandoned his or her post.

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\* Personnel Manual index No. 9035.

What constitutes abandonment of post

4. Abandonment of post is a separation initiated by the staff member other than by way of resignation. It is considered a unilateral repudiation of the contract of employment and not a termination initiated by the Secretary-General as defined in article IX of the Staff Regulations and in staff rule 109.1 (b). The intent to separate may be presumed from the circumstances, in particular from the failure of the staff member to report for duty.

5. The absence of a staff member from his or her work, unless properly authorized as leave under staff rule 105.1 (b), as special leave under staff rule 105.2, as sick leave under staff rule 106.2 or as maternity leave under staff rule 106.3, may create a reasonable presumption of intent to separate from the Secretariat unless the staff member is able to give satisfactory proof that such absence was involuntary and was caused by forces beyond his or her control.

6. Acceptance of outside employment while on unauthorized absence or extended sick leave creates an even stronger presumption of intent to separate, particularly if the staff member is drawing full or partial salary from the United Nations on the basis of a medical certificate indicating that he or she is disabled to the extent that he or she is unable to go to work. Seeking outside employment while on unauthorized absence or extended sick leave may also create a presumption of intent to separate. In such cases the presumption would be drawn in the light of all the surrounding circumstances. The mere sending out of a résumé or job application while on certified sick leave would not constitute abandonment of post and would not normally be construed as such.

7. Failure or refusal to undertake assigned functions may be construed as a performance/disciplinary issue. Therefore, the provisions of the present administrative instruction are not applicable to cases of unsatisfactory performance related to such failure or refusal, which are subject to the procedures set out in administrative instructions ST/AI/222 and ST/AI/371 dealing with termination of permanent appointment for unsatisfactory services and disciplinary measures and procedures, respectively. Temporary or occasional absences or failure to perform some of the duties of the post do not constitute abandonment.

8. If the staff member reports for duty within the period specified in any warnings issued pursuant to the present administrative instruction, the separation action shall be cancelled. The staff member may, however, be subject to reprimand or to disciplinary measures under staff rule 110.1.

Procedure

9. Supervisors must report all unauthorized absences to the relevant executive or administrative officer, or the local personnel office in offices away from Headquarters, not later than the end of the fourth day of such absence. The executive or administrative officer should then endeavour to contact the staff member concerned by telephone or by any appropriate means, failing which a written communication should be addressed to the staff member at his or her last known address requesting him or her to report for duty or to provide a plausible explanation for his or her absence. In cases of claimed illness, the executive or administrative officer should call the staff member's attention to the

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requirements of subparagraphs (v)-(vii) of staff rule 106.2 (a) (see para. 13 below).

10. Unless the executive or administrative officer receives a medical certificate or plausible explanation for the absence within 10 working days he or she shall refer the matter to the appropriate personnel officer, who should address a further written communication, by registered mail, personal delivery, or other appropriate means, calling the staff member's attention to the earlier attempts to contact him or her and the absence of an appropriate response. The communication should remind the staff member of the provisions of staff rule 105.1 (b) (ii), under which payment of salary and allowances shall cease for the period of unauthorized absence. It should allow a further period of up to 10 working days for reporting to duty or submission of a medical certification or plausible explanation, and should warn the staff member that failure to do so would be considered abandonment of post and would lead to separation on that ground.

11. It is the responsibility of staff members to inform their supervisors of absences, whether owing to illness or injury or any other cause. It is also the responsibility of staff members to keep the Organization informed of their current address and the person to be notified in case of accident or emergency. If, despite due diligence on the part of the Organization, the staff member cannot be reached or contacted, either in person, by registered letter or other reliable form of communication to the address most recently provided by the staff member, or through family or friends, receipt of such notice will be deemed to have occurred.

12. If by the end of the specified period the staff member has failed to comply with the warning to report for duty or to provide a plausible explanation or medical certificate, the Director, Staff Administration and Training Division, or the head of office at duty stations away from Headquarters, will submit a presentation to the Assistant Secretary-General for Human Resources Management, recommending separation for abandonment of post. The effective date of separation will be the date of the decision of the Assistant Secretary-General for Human Resources Management to treat the staff member's conduct as repudiation of the contract of employment, or the date of expiry of the fixed-term appointment, whichever comes sooner.

#### Alleged incapacity for reasons of health

13. Where a staff member claims that his or her absence is the result of incapacity for reasons of health, his or her attention should be called to the provisions of staff rule 106.2 (a) (vi), which require the production of a certificate from a duly qualified medical practitioner stating the nature and probable duration of the illness. If the staff member fails to produce such certification or if the certification produced is not acceptable to the Medical Director and sick leave is not certified, the executive or administrative officer shall immediately advise the staff member, with a copy to the personnel officer, that sick leave has been refused and that the staff member must report for duty immediately or be separated for abandonment of post. If the staff member disputes the decision, he or she may request that the matter be referred to an independent practitioner or to a medical board under the terms of staff rule 106.2 (a) (viii). Pending a final decision following the report of the

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medical board, the period following the date of notification that sick leave has been refused should be compensatable. However, should it be decided not to consider the period in question as sick leave, the remuneration received by the staff member during this period shall be recovered by the Organization.

14. The determination as to whether or not the staff member had a valid excuse for failing to submit evidence of incapacity, or a plausible explanation for the absence, within the prescribed or reasonable time limits, lies with the Office of Human Resources Management.

Abandonment of post following annual or special leave

15. Where a staff member has been absent from duty on approved annual or special leave and has failed to report for duty on the expiration of the approved period of leave the supervisor shall report the matter to the executive or administrative officer, who will attempt to communicate with the staff member as in paragraph 9 above. If the staff member fails to report for duty by the end of the approved period and does not furnish a plausible explanation within 10 working days, the matter shall be referred to the Office of Human Resources Management for cases at Headquarters, or the head of office at duty stations away from Headquarters, whereupon the personnel officer or administrative officer concerned will proceed on the same lines as indicated in paragraph 10 above.

Separation action

16. Upon approval of separation for abandonment of post, the personnel officer concerned will process the separation action and will notify the staff member at the address most recently provided by him or her, advising of the Secretary-General's decision and the effective date in accordance with paragraph 12 above. Separation for abandonment of post is not termination and therefore the staff member will not be entitled to any notice of termination or the payment of termination indemnity, and no repatriation grant is payable under the terms of staff rule 109.5 (i).

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