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REPORT OF THE INTERNATIONAL CIVIL SERVICE COMMISSION

Amendments to the Staff Regulations of the United Nations

Note by the Secretary-General

1. The report of the International Civil Service Commission submitted to the current session of the General Assembly <sup>1/</sup> contains, in chapter II, a summary of the Commission's conclusions and recommendations. In the prefatory note of that summary, the Commission stated, with regard to its recommendations to be adopted by the Assembly, that "it is assumed that consequential amendments required in the text of the Staff Regulations of the United Nations will be formulated by the Secretary-General for approval by the Assembly and, subsequently, by the executive head of each other organization for approval by the competent legislative organ".
2. In response to that suggestion, the Secretary-General presents herewith a draft text of the proposed amendments to the Staff Regulations, which has been prepared in consultation with the secretariat of the Commission. Depending upon the Assembly's decision on the Commission's recommendations, the proposed text may be adapted for use as an annex to the Assembly resolution approving the Commission's recommendations.
3. Following the text of the amendments is an explanatory note which provides cross references to the Commission's recommendations and gives brief commentaries on each of the amendments. As those amendments are formulated within the framework of the Staff Regulations of the United Nations, it is understood that their version may vary in the different context of the staff regulations of other organizations, pending the development of a common set of staff regulations as envisaged in article 15 of the statute of the Commission.

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<sup>1/</sup> Official Records of the General Assembly, Thirty-first Session, Supplement No. 30 (A/31/30) and addendum.

ANNEX

Amendments to the Staff Regulations of the United Nations

Regulation 3.2

Replace the second sentence in the present text of the regulation by the following:

"The amount of the grant per scholastic year for each child shall be the sum of 75 per cent of the first \$2,000 of admissible educational expenses, 50 per cent of the next \$1,000 of such expenses and 25 per cent of the next \$1,000, up to a maximum grant of \$2,250."

Regulation 3.3

Replace paragraph (b) by the following:

"(b) (i) The assessment shall be calculated at the following rates for staff whose salary rates are set forth in paragraphs 1 and 3 of annex I to the present regulations:

<u>Total assessable payments</u> (in US dollars)	<u>Assessment</u> (per cent)	
	<u>Staff member with</u> <u>a dependent spouse</u> <u>or a dependent</u> <u>child</u>	<u>Staff member with</u> <u>neither a dependent</u> <u>spouse nor a</u> <u>dependent child</u>
First \$10,000 per year . . . . .	12.3	17.3
Next \$ 2,000 per year . . . . .	25	29.7
Next \$ 2,000 per year . . . . .	28	32.7
Next \$ 2,000 per year . . . . .	31	35.6
Next \$ 4,000 per year . . . . .	34	39.5
Next \$ 4,000 per year . . . . .	37	42.5
Next \$ 4,000 per year . . . . .	40	45.5
Next \$ 5,000 per year . . . . .	43	48.5
Next \$ 5,000 per year . . . . .	46	51.5
Next \$ 5,000 per year . . . . .	48	53.5
Next \$ 6,000 per year . . . . .	50	55.5
Next \$ 6,000 per year . . . . .	52	57.5
Next \$ 6,000 per year . . . . .	54	59.5
Next \$ 7,000 per year . . . . .	56	61.5
Next \$ 7,000 per year . . . . .	58	63.5
Remaining assessable payments . . . . .	60	64.5

"(ii) The assessment shall be calculated at the following rates for staff whose salary rates are established under paragraph 7 of annex I to the present regulations:

<u>Total assessable payments</u> (in US dollars)	<u>Assessment</u> (per cent)
First \$1,000 per year . . . . .	5
Next \$1,000 per year . . . . .	10
Next \$1,000 per year . . . . .	15
Next \$1,000 per year . . . . .	20
Next \$6,000 per year . . . . .	25
Next \$6,000 per year . . . . .	30
Next \$8,000 per year . . . . .	35
Next \$8,000 per year . . . . .	40
Next \$8,000 per year . . . . .	45
Remaining assessable payments . . . . .	50

"(iii) The Secretary-General shall determine which of the scales of assessment set out in subparagraphs (i) and (ii) above shall apply to each of the groups of personnel whose salary rates are established under paragraph 6 of annex I to the present regulations.

"(iv) In the case of staff whose salary scales are established in currencies other than United States dollars, the relevant amounts to which the assessment applies shall be fixed at the local currency equivalent of the above-mentioned dollar amounts at the time the salary scales of the staff concerned are approved."

Regulation 3.4

Replace paragraph (a) by the following:

"(a) Staff members whose salary rates are set forth in paragraphs 1 and 3 of annex I to these regulations shall be entitled to receive dependency allowances as follows:

"(i) At \$450 per year for each dependent child, except that the allowance shall not be paid in respect of the first dependent child if the staff member has no dependent spouse, in which case the staff member shall be entitled to the dependency rate of staff assessment under subparagraph (b) (i) of regulation 3.3;

"(ii) Where there is no dependent spouse, a single annual allowance of \$300 per year for either a dependent parent, a dependent brother or a dependent sister."

Regulation 9.6 (new)

Add the following new regulation 9.6:

"REGULATION 9.6: The Secretary-General shall establish a scheme for the payment of end-of-service grants within the maximum rates and under the conditions specified in annex V to the present regulations."

Annex I

Replace the present text of paragraph 1 by the following:

"1. The Administrator of the United Nations Development Programme, having a status equivalent to that of the executive head of a major specialized agency, shall receive a salary of \$US 99,350 per year, an Under-Secretary-General shall receive a salary of \$US 76,030 per year and an Assistant Secretary-General shall receive a salary of \$US 67,430 per year, subject to the staff assessment plan provided in staff regulation 3.3 and to post adjustments wherever applied. If otherwise eligible, they shall receive the allowances which are available to staff members generally."

Replace the present text of paragraph 3 by the following:

"3. Except as provided in paragraph 6 of the present annex, the salary scales for staff members in the Director and Principal Officer category and in the Professional category shall be as shown in the present annex."

Replace the present text of paragraph 9 by the following:

"9. In order to preserve equivalent standards of living at different offices, the Secretary-General may adjust the basic salaries set forth in paragraphs 1 and 3 of the present annex by the application of non-pensionable post adjustments based on relative costs of living, standards of living and related factors at the office concerned as compared to New York. Such post adjustments shall not be subject to staff assessment. Their amounts shall be as shown in the present annex."

Insert, at the end of annex I, the salary scales for Professional and higher categories and the schedules of post adjustments, as shown in annex VIII to the report of the International Civil Service Commission (A/31/30).

Annex III

Replace the present text of annex III by the following:

"Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:

/...

"(a) Except as provided in paragraphs (b), (c) and (e) below and in regulation 9.3 (b), the termination indemnity shall be paid in accordance with the following schedule:

Months of pensionable remuneration less staff assessment, where applicable				
Completed years of service	Permanent appointments	Temporary appointments which are not for a fixed-term	Temporary appointments for a fixed-term exceeding six months	
Less than 1	Not applicable	Nil)	One week for each month of uncompleted service subject to a minimum of six weeks' indemnity pay	
1	Not applicable	1 )		
2	3	1 )		
3	3	2 )		
4	4	3 )		
5	5	4 )		
6	6	5		3
7	7	6		5
8	8	7		7
9	9	9		9
10	9.5	9.5		9.5
11	10	10		10
12	10.5	10.5		10.5
13	11	11		11
14	11.5	11.5		11.5
15 or more	12	12	12	

"(b) A staff member whose appointment is terminated for reasons of health shall receive an indemnity equal to the indemnity provided under paragraph (a) of this annex reduced by the amount of any disability benefit that the staff member may receive under the United Nations Joint Staff Pension Fund regulations for the number of months to which the indemnity rate corresponds.

"(c) A staff member whose appointment is terminated for unsatisfactory services or who for disciplinary reasons is dismissed for misconduct other than by summary dismissal may be paid, at the discretion of the Secretary-General, an indemnity not exceeding one half of the indemnity provided under paragraph (a) of this annex.

"(d) No indemnity payments shall be made to:

A staff member who resigns, except where termination notice has been given and the termination date agreed upon;

A staff member who has a temporary appointment which is not for a fixed term and which is terminated during the first year of service;

A staff member who has a temporary appointment for a fixed term which is completed on the expiration date specified in the letter of appointment without prejudice to any entitlement the staff member may have to an end-of-service grant under the conditions set out in annex V to the present regulations;

A staff member who is summarily dismissed;

A staff member who abandons his post;

A staff member who is retired under the United Nations Joint Staff Pension Fund regulations.

"(e) Staff members specifically engaged for conference and other short-term service or for service with a mission, as consultants or as experts, and staff members who are locally recruited for service in established offices away from Headquarters may be paid termination indemnity if and as provided in their letters of appointment."

#### Annex IV

Replace the third sentence of the annex and the schedule of rates by the following:

"The amount of the grant shall be proportional to the length of service with the United Nations, as follows:

/...

<u>Years of continuous service away from the home country</u>	<u>Staff member with a spouse or dependent child at time of separation</u>	<u>Staff member with neither a spouse nor a dependent child at time of separation</u>	
		<u>Professional and higher categories</u>	<u>General Service category</u>
	(Weeks of pensionable remuneration less staff assessment, where applicable)		
1	4	3	2
2	8	5	4
3	10	6	5
4	12	7	6
5	14	8	7
6	16	9	8
7	18	10	9
8	20	11	10
9	22	13	11
10	24	14	12
11	26	15	13
12	28	16	14"
or more			

Annex V (new)

Add the following text as annex V:

"End-of-service grant

"The end-of-service grant shall be payable to a staff member holding a temporary appointment for a fixed-term whose appointment is not extended beyond its date of expiration after the staff member has served for a continuous period of six years or more, provided that the staff member is under the age of 60 on the date of expiration of the appointment and that the staff member has not declined or failed to accept an offer of extension of the appointment. The grant shall be paid in accordance with the following schedule:

/...

<u>Years of completed service</u>	<u>Months of pensionable remuneration less staff assessment, where applicable</u>
6 . . . . .	3
7 . . . . .	5
8 . . . . .	7
9 . . . . .	9
10 . . . . .	9.5
11 . . . . .	10
12 . . . . .	10.5
13 . . . . .	11
14 . . . . .	11.5
15 and above . . . . .	12"

Explanatory note on the proposed amendments to the Staff Regulations of the United Nations

Regulation 3.2 (education grant)

1. The amendment replaces the second sentence in the present text of the regulation which reads: "The maximum amount of the grant shall be \$1,500 per scholastic year for each child." It incorporates the degressive scale for reimbursement of educational expenses, as recommended by ICSC (A/31/30, para. 75 (b)). The new maximum amount of \$2,250 is specified to make clear the upper limit imposed by a straight application of that scale.

2. In paragraph 75 (c) of its report, ICSC further recommended that the flat amount for boarding expenses in the case of attendance at an educational institution outside the country of duty station where the institution does not provide board should be increased from \$650 to \$750 per year. This change will be reflected in an amendment to the relevant staff rule (103.20) without the necessity of amending the regulation itself. As the report gives no specific indication as to how this lump-sum allowance for boarding should be taken into account in the application of the degressive scale based on proportionate rebate of educational expenses, it is agreed with the ICSC secretariat that the amount should be regarded as representing 75 per cent of \$1,000, to be deducted from the first \$2,000 reimbursable at that rate. In the amendment of the staff rule, therefore, the over-all degressive scale will be so adjusted as to provide that education grant in such cases will be paid by the flat amount of \$750 plus the sum of 75 per cent of the first \$1,000 of the cost of attendance, 50 per cent of the next \$1,000 and 25 per cent of the next \$1,000, up to a maximum grant of \$2,250 in total.

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3. Another change in the education grant system recommended by ICSC is to allow payment of the grant in respect of educational expenses of a child attending a university in the country of the staff member's duty station (ibid., para. 75 (a)). An appropriate amendment will be made to staff rule 103.20 to remove the existing restriction in that respect.

4. The term "admissible educational expenses", as used in the amended regulation, refers to costs of board, tuition and other school fees allowable for reimbursement as specified in the relevant administrative instruction (currently contained in ST/AI/181/Rev.3). In determining reimbursable expenses, due regard will be paid to the ICSC opinion that "organizations should exercise strict control to ensure that only approved categories of expenditures were admitted for reimbursement" (ibid., para. 286).

#### Regulation 3.3 (staff assessment)

5. Paragraph (b) of regulation 3.3 is amended by having it divided into four subparagraphs.

6. Subparagraph (i) sets forth the revised scales of staff assessment rates applicable to staff members in the Professional and higher categories, with the differentiation between those with dependants and those without dependants (ibid., para. 67). The revised scales are taken from annex VIII to the ICSC report on the assumption that there will be a consolidation of five classes of post adjustment into the base salary.

7. Subparagraph (ii) reproduces the existing scales of staff assessment rates which, as recommended by ICSC, should continue to apply to staff in the General Service category pending its further study of the remuneration of that category of staff (ibid., para. 84).

8. With the introduction of the dual system of staff assessment rates, the question arises as to which of the two scales should apply to the remuneration of other groups of personnel whose salary rates are determined by the Secretary-General under the existing provisions of paragraph 6 of annex I to the Staff Regulations. As mentioned in that paragraph, such personnel include those specifically engaged for conferences or other short-term service, consultants, Field Service personnel, technical assistance experts and social welfare advisers. Subparagraph (iii) of the proposed amendment of regulation 3.3 (b) is intended to clarify that point by authorizing the Secretary-General to determine the applicable rates of staff assessment in respect of each of those groups of personnel within his existing authority in setting their salary rates. It may be noted in passing that the inclusion of "social welfare advisers" in paragraph 6 of annex I to the Staff Regulations dates back to 1952 when the present Regulations were first adopted by the General Assembly. As they have long since ceased to be a separate group paid at special salary rates, the reference to them in the regulations has become obsolete. It is therefore proposed to have the term deleted in the next revised edition of the Staff Regulations.

9. Subparagraph (iv) carries over, in substance, the last part of the existing provisions of paragraph (b) of regulation 3.3.

Regulation 3.4 (dependency allowances)

10. Three changes are made in the amendment to paragraph (a) of this regulation. The first one is to delete the reference to the allowance for a dependent spouse, in view of the ICSC recommendation to abolish the spouse allowance and to incorporate the current amount of \$400 per year into the revised base salary (*ibid.*, para. 70). Second, while maintaining the existing rate of children's allowance, subparagraph (i) is amended by the addition of a proviso to the effect that the allowance shall not be payable in respect of the first dependent child of a staff member without a dependent spouse, who would instead be entitled to receive his or her base salary at the dependency rate. This follows from the recommendation of ICSC that if a staff member has no spouse as a dependant, the staff member may still be entitled to staff assessment at the "with dependants" rate by virtue of his or her having one or more dependent children, but in that case the first dependent child would not attract a child's allowance, essentially for the same reason as the allowance for a dependent spouse is abolished (*ibid.*, para. 208). Third, subparagraph (ii) is amended to show the increase in the amount of secondary dependant's allowance, as recommended by ICSC (*ibid.*, para. 72).

Regulation 9.6 (new)

11. This regulation is added to provide the statutory authority for the Secretary-General to effect payment of end-of-service grants to staff members holding fixed-term appointments whose appointment is not extended after completion of six years or more of continuous service, as recommended by ICSC (*ibid.*, paras. 79 and 314). The regulation is couched in general terms, similar to those used in regulation 9.4 on repatriation grant, leaving the schedule of rates and conditions of eligibility to be defined in a new annex V to the Staff Regulations.

Annex I (salary scales and related provisions)

12. Paragraph 1 is amended to show the revised figures of gross salaries. The amounts for Under-Secretaries-General and Assistant Secretaries-General are taken from the revised salary scales contained in annex VIII to the ICSC report. The revised amount of gross salary for the UNDP Administrator, which is not specified in the report, is obtained by applying the same formula as used in the realignment of the salary scales for the Professional and higher categories. The net amount after application of the staff assessment comes to \$53,200 with dependants or \$48,079 without dependants.

13. Paragraph 3 is amended to refer to the salary scales for the Professional and higher categories with the incorporation of five classes of post adjustment, as recommended by ICSC (*ibid.*, para. 67 and annex VIII). The scales themselves, which are expressed in terms of both gross rates and net rates after application of staff assessment, will be shown at the end of annex I as an integral part of the Staff Regulations.

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14. Paragraph 9 is amended to make the schedules of post adjustments adopted by the General Assembly an integral part of the Staff Regulations by having them included in annex I. These schedules are to be reproduced from annex VIII to the ICSC report (ibid., para. 67 and annex VIII).

Annex III (termination indemnity)

15. Pursuant to the ICSC recommendations regarding the rates and conditions for the termination indemnity (ibid., paras. 78 and 309), annex III is amended to incorporate the proposed changes within the framework of its existing provisions.

16. Paragraph (a) sets out the basic schedule of termination indemnity (as shown in para. 309 of the ICSC report), subject to variations provided in paragraph (b) concerning termination for reasons of health, paragraph (c) concerning termination for unsatisfactory services or dismissal for misconduct, paragraph (e) concerning eligibility for the indemnity pay of specific groups of personnel and regulation 9.3 (b) concerning agreed termination. Among the possible causes of termination specified in regulation 9.1, therefore, the standard rates of the indemnity will, for practical purposes, apply only to terminations on grounds of abolition of post or reduction of staff and terminations "in the interest of the United Nations" under regulation 9.1 (c).

17. The schedule proposed by ICSC covers only cases of termination of permanent appointments and fixed-term appointments. It did not take into account termination of another type of appointments, namely, temporary appointments which are not for a fixed-term, such as probationary, indefinite and regular appointments, for which a separate scale of indemnity has been provided in the existing paragraph (a) of annex III. That scale is retained in the second column of the amended schedule. However, the graduated rates under that column have been adjusted to extend the length of service qualifying for the indemnity up to 15 years and to set the rates after nine years of service on a par with those applicable to termination of the other two types of appointments, in line with the ICSC proposal to grant termination indemnity on a uniform basis after completion of nine years of continuous service, regardless of the type of appointment (A/31/30, paras. 307 and 308).

18. The base pay for the computation of termination indemnity is expressed in terms of "pensionable remuneration less staff assessment", as recommended by ICSC (ibid., para. 65). The qualifying phrase "where applicable" is added merely for the sake of clarification, in order to take account of the fact that, in the case of General Service staff, their language allowance and non-resident allowance, although pensionable, are not subject to the staff assessment. This explanation applies also to the same terminology used in annex IV on repatriation grant and in annex V on end-of-service grant.

19. The present text of paragraph (b) concerning indemnity pay for termination of fixed-term appointments is deleted, since it is now covered by the last column of the consolidated schedule in paragraph (a). In its place, provisions are made to

regulate the amount of indemnity pay in cases of termination for reasons of health, as recommended by ICSC (*ibid.*, para. 309 (a)). The new paragraph (b) supersedes the corresponding provisions contained in the existing paragraph (f), which is consequently deleted.

20. The present text of paragraph (c) defining the base pay for the purpose of termination indemnity is also deleted, since the new scheme of indemnity based on pensionable remuneration less staff assessment requires no separate definition in the regulations (see para. 18 above). In its place, provisions are made to regulate the amount of indemnity pay in cases of termination for unsatisfactory services or dismissal for misconduct, as recommended by ICSC (*ibid.*, para. 309 (b)). So far as dismissal for misconduct is concerned, these provisions supersede and cancel the fourth item listed in the existing paragraph (d) by limiting the discretionary payment of indemnity in such cases to not more than one half of the standard amount, rather than up to the full amount.

21. The existing paragraph (d) enumerates cases where no indemnity payment shall be made. It is amended only by the deletion of the fourth item, as noted in paragraph 20 above, and by a change in the wording of the third item concerning staff members whose fixed-term appointment is completed on the expiration date specified in the letter of appointment. In view of the ICSC recommendation regarding end-of-service grants payable to such staff members whose appointment is not extended after completion of six years or more of continuous service, that item is accordingly reworded to refer to the eligibility for the end-of-service grant, as distinct from termination indemnity.

22. Paragraph (e) reproduces the existing provisions to complete the text of annex III.

#### Annex IV (repatriation grant)

23. Annex IV is amended to show the revised scales of repatriation grant for staff members in the Professional and higher categories, as recommended by ICSC (*ibid.*, paras. 73 and 270), as well as to reflect its proposal to use pensionable remuneration less staff assessment as the basis for computation of the grant (*ibid.*, para. 65). While ICSC made a distinction of the scales between staff members "with dependants" and those "without dependants", the more appropriate differentiation in this case appears to be staff members "with a spouse or dependent child" and those "with neither a spouse nor dependent child", in view of the previous General Assembly resolution 3353 (XXIX) specifically amending annex IV to that effect. In the revised scales, therefore, the headings are expressed in those terms. An editorial change is made in the sentence preceding the schedule by the deletion of the words "(exclusive of periods when an expatriation allowance was received)", since the expatriation allowance, which was discontinued as of January 1951, is no longer relevant to the determination of the length of qualifying service which, according to the schedule, cannot in any case be more than 12 years for the purpose of repatriation grant.

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24. The revised schedule contains separate columns of rates applicable to staff in the General Service category, which are reproduced from the existing scales in pursuance of the ICSC recommendation that they should be retained for General Service staff pending its further study of their remuneration (ibid., para. 270).

Annex V (end-of-service grant)

25. Together with the new regulation 9.6, this annex is introduced to give effect to the ICSC recommendation regarding the end-of-service grant payable to staff members whose fixed-term appointment is not extended after completion of six years or more of continuous service (ibid., paras. 79 and 314).

26. The annex lays down two conditions governing the eligibility of such staff members for the grant. The first one is that they must be under the age of 60 as of the expiration date of the fixed-term appointment. As explained by ICSC (ibid., para. 331), the purpose of the grant is to provide some measure of compensation for the "moral expectancy" of retention in service that a staff member may have acquired after having served over extended periods on a succession of fixed-term appointments. Since the normal span of service ends at the age of 60, even for career staff, under staff regulation 9.5, staff members who have been retained in service up to that age on fixed-term appointments can have no claim of any expectancy for further service. The justification for the payment of compensation for a premature interruption of an expected career, therefore, no longer exists. It has been confirmed by the ICSC secretariat that it was not the intention of the Commission at any time that the grant be paid to a staff member who has reached the age of 60.

27. The other condition is that the grant shall not be payable if the non-extension of a fixed-term appointment is due to the fact that the staff member has declined or failed to accept an offer of extension of the appointment. This is explicitly stated as part of the ICSC recommendation (ibid., para. 79).

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