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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 fourth annual report of the International Civil Service Commission 1/ contains a number of recommendations on the United Nations salary system that require decision by the General Assembly. Among the ICSC recommendations, those that involve establishment of new benefits or modification of existing provisions of the Staff Regulations of the United Nations would, if adopted, call for suitable amendments to the Staff Regulations, while others that are of a technical nature could be implemented by the Secretary-General through appropriate changes in the staff rules and administrative issuances. This note is submitted in order to facilitate the Assembly action on the ICSC report by presenting a synopsis of the ICSC recommendations with indications of the specific actions required and a draft text of the amendments to the Staff Regulations that would be necessary to give effect to Assembly's approval of the relevant recommendations.
2. On the basis of the summary of recommendations that appears at the beginning of the ICSC report, the following synopsis is provided to show the specific action required with respect of each of the recommendations:

1/ Official Records of the General Assembly, Thirty-third session, Supplement No. 30 (A/33/30).

A/33/30
paragraph
reference

Recommendations

Action required

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|-----|---|--|
| 92 | <u>Grade equivalencies</u> to be used for purpose of salary comparison between the United Nations common system and the U.S. Civil Service. | Submitted for approval by the General Assembly; no amendment of staff regulations or rules is required. |
| 153 | <u>Dependency allowances for Professional and higher categories:</u> The amount of children's allowance payable in local currency shall not be less than the local currency equivalent of the dollar amount at the time it was last established, i.e. \$450 on 1 January 1975. | Amendment of staff regulation 3.4 (a) by providing for protection of local currency value of both children's allowance and secondary dependency allowance. |
| 164 | <u>Termination indemnity:</u> To establish a maximum of 3 months' indemnity pay in cases of termination of fixed-term appointments after continuous service of less than 6 years. | Amendment of the last column in the schedule shown in para. (a) of Annex III to the Staff Regulations. |
| 174 | <u>End-of-service grant:</u> Introduction of a new benefit payable after continuous service of 9 years or longer on a series of fixed-term appointments, unless the staff member has resigned or declined an offer of renewal, or retains a right to reinstatement in his or her previous employment. | A new regulation 9.6 to provide statutory authority for payment of the grant and a new Annex V to set out the rates and conditions governing the payment. |
| 186 | <u>Repatriation grant:</u> Payment of the grant subject to staff member's certification that he or she does not intend to remain permanently in the country of last duty station. | Amendment of staff rules 109.5 and 209.8 to prescribe the new condition of eligibility for the grant. |
| 194 | <u>Death grant:</u> To establish a standard schedule of the benefit payable in the event of death in service. | Amendment of staff rules 109.10 and 209.11 to incorporate the revised schedule. |

A/33/30
paragraph
reference

Recommendations

Action required

(i) 234 (ii) 239	<u>Education grant:</u> (i) To remove the existing exclusion from the grant of university studies in the country of the duty station; (ii) payment of the grant in the currency in which the expenses are incurred should be calculated according to the exchange rate effective on 1 January 1977 or on the date of reimbursement, whichever yields more units of the other currency for the dollar	Amendment of staff rules 103.20 and 203.8 on education grant by deletion of the exclusion clause and by addition of a new paragraph on rates of exchange.
246	<u>Education grant for disabled children:</u> Educational expenses for disabled children to be eligible for reimbursement under the education grant subject to specified conditions.	Amendment of staff regulation 3.2 to provide statutory authority for payment of this type of grant. Amendment of staff rules on education grant to include detailed provisions governing the reimbursement.

3. In so far as amendments to the Staff Regulations may be required as indicated above, there is attached to this note a draft text of such amendments, which has been prepared in consultation with the ICSC Secretariat. The text is followed by brief commentaries on each of the amendments. Depending upon the Assembly's decision on the ICSC recommendations, the proposed text may be adapted for use in the Assembly resolution dealing with the subject.

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ANNEX

Amendments to the Staff Regulations of the United Nations

Regulation 3.2

Insert the following text as the third paragraph of regulation 3.2 on education grant:

"The Secretary-General shall also establish terms and conditions under which an education grant shall be available to a staff member whose child is unable, by reasons of physical or mental disability, to attend a normal educational institution and therefore requires special teaching or training to prepare him/her for full integration into society or, while attending a normal educational institution, requires special teaching or training to assist him/her in overcoming the disability. The amount of this grant per school year for each disabled child shall be equal to 75 per cent of the educational expenses actually incurred up to \$4,000, subject to a maximum grant of \$3,000."

Regulation 3.4

Add the following sentence at the end of paragraph (a):

"The amount of either of these allowances payable in local currency shall not be less than the local currency equivalent of the dollar amount at the time it was established".

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 III

In the schedule of termination indemnity set out in paragraph (a) of Annex III, amend the wording in the last column to read as follows:

"One week for each month of uncompleted service subject to a minimum of six weeks' and a maximum of three months' indemnity pay."

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 renewed after the staff member has completed nine years or more of continuous service, provided that the staff member (a) has not resigned or declined an offer of renewal; or (b) does not retain a right to reinstatement in his or her previous employment. The grant shall be paid in accordance with the following schedule:

<u>Completed years of service</u>	<u>Months of pensionable remuneration less staff assessment, where applicable</u>
9	9
10	9.5
11	10
12	10.5
13	11
14	11.5
15 or more	12

except that the number of months of the grant payable shall not be greater than the number of months by which the staff member is below the age of 60 years and that no grant shall be payable at or beyond that age."

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

Regulation 3.2 (education grant)

1. The new paragraph will provide the statutory authority for payment of the education grant for disabled children as recommended by ICSC (*ibid.*, para. 246). It is inserted in the existing regulation 3.2 as part of the over-all scheme of education grant. Detailed terms and conditions governing this type of grant will be set out in a separate section of relevant staff rules under the heading "education grant for disabled children".

Regulation 3.4 (dependency allowances)

2. The additional sentence is to follow subparagraphs (a) (i) and (ii) of the regulation, in which the amounts of children's allowance and secondary dependency allowance are established in fixed sums of \$US 450 and 300, respectively. In

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chapter IV, section C, of its report, ICSC dealt generally with the proposal to provide protection of the local currency value of various entitlements that are expressed as fixed amounts in dollars. It recommended, with particular reference to the children's allowance, that its local currency value be protected by a "floor" fixed at the local currency equivalent of the allowance at the time its dollar amount was last fixed, i.e., 1 January 1975. Although that recommendation is related only to children's allowance, it is assumed that the same consideration applies to secondary dependency allowance which is likewise fixed at a flat sum of U.S. dollars, i.e., \$300 with effect from 1 January 1977. The proposed amendment therefore covers both allowances with the same objective of preserving their value at the local currency equivalent of the dollar amount at the time of their respective date of establishment. This has also been taken into account in the report on financial implications of the ICSC recommendations (A/C.5/33/37, para. 2 (a)).

Regulation 9.6 (new)

3. 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 renewed after completion of nine years or more of continuous service, as recommended by ICSC (A/33/30, para. 174). 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 and more detailed provisions of implementation to be included in a new staff rule.

Annex III (termination indemnity)

4. The amended wording is related to the rate of termination indemnity payable to staff members whose fixed-term appointments are terminated during the first six years of continuous service. The amendment consists in the insertion of the words "and a maximum of three months" as proposed by ICSC (*ibid.*, para. 164). Although the change was described by ICSC as a rectification of a minor omission in the schedule of payment, it is implicit in the ICSC proposal that termination indemnity for fixed-term staff will continue to be calculated on the basis of the unexpired duration of the contract up to the first six years of service, subject to a minimum of six weeks and the new maximum of three months of the indemnity pay, but that after six years of continuous service the indemnity will be based on a fixed rate, whatever the unexpired length of the contract being terminated.

Annex V (end-of-service grant)

5. Together with the new regulation 9.6, this annex is introduced to give effect to the ICSC recommendation regarding the end-of-service grant.

6. The text is substantially the same as proposed by ICSC (*ibid.*, para. 174), with only editorial changes to bring it into conformity with the United Nations Staff Regulations and Rules. The base pay used for the computation of the grant is "pensionable remuneration less staff assessment", as recommended by ICSC. A

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English

Annex

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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. Another point of clarification is to specify the age of 60 as the statutory age of retirement in accordance with staff regulation 9.5. Detailed conditions and definitions governing payment of the grant will be spelt out in new staff rules.
