

ARTICLE III APPOINTMENTS AND PROMOTIONS

REGULATION 3.01

The Director General shall be the chief administrative officer of the Agency, and shall be responsible for the appointment of the staff. The paramount consideration in the recruitment, employment and promotion of such staff shall be to secure employees of the highest standards of efficiency, technical competence and integrity. Subject to this consideration, due regard shall be paid to the contributions of Member States and to the importance of recruiting the staff on as wide a geographical basis as possible. Staff members shall be selected without distinction as to race, sex or religion.

Rule 3.01.1 – Geographical distribution

Recruitment on as wide a geographical basis as possible shall apply to posts of Deputy Director General and to posts of Director, as well as to established posts in the Professional category other than those requiring special linguistic skills.

REGULATION 3.02

The Director General may appoint staff by direct appointment or on a secondment basis.

Rule 3.02.1 – Seconded staff

(A) Inter-agency loans, secondments and transfers are defined in and shall be governed by the Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries and Allowances.

(B) During their period of secondment to the Agency under the above-mentioned Agreement, individuals shall be considered as staff members of the Agency for the purposes of these Staff Regulations and Staff Rules.

REGULATION 3.03

(a) The Agency shall be guided by the principle that its permanent staff shall be kept to the minimum compatible with the efficient operation of the Agency.

(b) Appointments of officials of the rank of Deputy Director General or equivalent shall normally be for a period of not more than five years, subject to extension or renewal. Other staff members shall be granted fixed-term appointments each for a period of not more than five years, or short-term appointments subject to extension or renewal.

(c) Initial fixed-term appointments shall be subject to a period of probation, the normal duration of which shall be, subject to Staff Regulation 4.01 (d), one year. The Director General may decide that previous service under any other type of appointment may count towards the probationary period. After successful completion of the probationary period the fixed-term appointment shall be confirmed by the Director General in writing.

(d) A fixed-term appointment may be extended or renewed at the discretion of the Director General, if the staff member is willing to accept such extension or renewal. At no time, however, shall such an appointment be deemed to carry any expectation of or right to extension, renewal or conversion to another type of appointment.

(e) Appointments may be granted on a full-time or part-time basis. The Director General shall make provisions for the reduction of salaries, allowances and other entitlements for staff members working part-time in accordance with the ratio part-time employment bears to full-time employment.

Rule 3.03.1 – Types of appointment

(A) Staff members of the Agency shall serve under one of the following types of appointment:

- (i) Fixed-term appointment;
- (ii) Temporary-assistance appointment; or
- (iii) Short-term appointment.

(B) Appointments under any of the three aforementioned types are at the discretion of the Director General. When deciding on an appointment in an individual case, the Director General will take into account the type and duration of the functions to be performed, the nature of the proposed appointment and the best interests of the Agency, subject to Staff Regulation 3.01. Submissions to the Director General of proposals for appointment do not carry any expectation of their eventual approval.

Maximum tour of service in the Professional and higher categories

(C) The maximum tour of service for staff members appointed in the Professional or higher categories shall normally be seven years, subject to the extension of fixed-term appointments on a long-term basis, in exceptional cases, in accordance with paragraph F(3) below.

(D) In calculating the duration of a staff member's tour of service, the Agency shall take into account all three types of appointments in the Professional and higher categories and all engagements under AM.II/11, except those in accordance with paragraph 3 of Annex II to AM.II/11 and internships in accordance with Annex V to AM.II/11, without an interruption of more than twelve months between such appointments or engagements. A new tour of service can, therefore, only start after a period of at least twelve months without any appointment or engagement, regardless of whether the new position would be outside the staff member's former Department or Division and/or unrelated to the staff member's former appointment or engagement. For the purposes of this Rule, maternity leave, paternity leave and adoption leave, up to the maximum entitlement for such leave specified in Staff Rule 7.04.2, 7.04.3 and 7.04.4 respectively, shall not be counted towards the maximum tour of service.

(E) Upon completion of the maximum tour of service, a staff member shall, for a period of twelve months after the date of his/her separation from service, be ineligible for reappointment in accordance with Staff Regulation 3.03 or for an engagement under AM.II/11.

Fixed-term appointments

(F) Fixed-term appointments may be issued for established posts and for periods each not exceeding five years.

Professional and higher categories

(1) An initial fixed-term appointment in the Professional and higher categories shall normally be for a period of three years, whereby normally the first year shall be subject to a period of probation as set out in Staff Regulation 3.03(c).

(2) The initial fixed-term appointment may be extended or renewed, subject to the maximum tour of service, normally for periods of two years taking into account the following criteria:

- (i) The need for continuity in the specific functions assigned to the staff member's post;
- (ii) The availability of funding;
- (iii) The staff member's conduct and overall performance meets or exceeds the Agency's expectations; and
- (iv) The best interests of the Agency.

(3) An extension of a fixed-term appointment beyond the maximum tour of service may, in exceptional cases, be granted on a long-term basis, for staff members on established posts, for periods of each five years, normally until the staff member's retirement, subject to the criteria set out in paragraphs (2)(i), (ii) and (iv) above, and the following additional criteria:

- (i) The conduct and performance of the staff member must have been of the highest degree of excellence; and
- (ii) The staff member's technical qualifications and expertise are useful for the total duration of his/her expected service with the Agency.

(4) An extension of a fixed-term appointment under paragraph (3) above is at the discretion of the Director General, who will assess whether the criteria listed therein are satisfied, subject to the requirement in the Statute to keep permanent staff to a minimum.

(5) The provisions of paragraphs (1)–(4) shall also apply to staff members appointed to the Professional or higher categories who were previously appointed in the General Service category. Staff members who held a five-year fixed-term appointment in the General Service category immediately prior to their appointment in the Professional or higher categories shall be entitled, upon the expiration of their appointment in those categories, to return to a post in the General Service category:

- (i) With a five-year fixed-term appointment, or a contract until their retirement age, whichever is the shorter;
- (ii) At the same grade they held immediately prior to appointment to the Professional or higher categories; and
- (iii) With an additional step for each salary increment granted during the staff member's service in the Professional or higher categories or, if applicable, recognition of service for the purposes of Staff Rule 5.01.1(A)(2).

General Service category

(6) An initial fixed-term appointment in the General Service category shall normally be for a period of three years, whereby normally the first year shall be subject to a period of probation as set out in Staff Regulation 3.03(c).

(7) The initial fixed-term appointment may be extended or renewed, normally for a period of two years, taking into account the following criteria:

- (i) The need for continuity in the specific functions assigned to the staff member's post;
- (ii) The availability of funding;
- (iii) The staff member's conduct and overall performance meets or exceeds the Agency's expectations; and
- (iv) The best interests of the Agency.

(8) Upon reaching a total period of service of five years on a fixed-term appointment, the appointment funded from regular budget resources may be extended on a long-term basis for periods of each five years, subject to the criteria of paragraph (7) above, normally until the staff member's retirement age. For the purposes of this Rule, previous continuous service on a fixed-term appointment funded from extrabudgetary resources shall count towards the period of qualifying service. Any periods of unpaid leave of more than three months shall not count towards the period of qualifying service.

Temporary-assistance appointments

(G) Temporary-assistance appointments may be issued, normally for the purpose of staffing a project or other programmatic activity for which service is expected to be required for a period of at least one year. A

temporary-assistance appointment shall not carry any expectation of, or right to extension, renewal or conversion to another type of appointment.

Competitive recruitment

(1) An initial temporary-assistance appointment, after a competitive recruitment process in accordance with AM.II/3, shall be for a period of no less than one year but in no event for more than three years, whereby normally the first year shall be subject to a period of probation as set out in Staff Regulation 3.03(c).

(2) The initial temporary-assistance appointment may be extended or renewed, taking into account the criteria of paragraph (F)(2) above, provided that the total period of service on consecutive temporary-assistance appointments does not exceed a period of five years, subject to the maximum tour of service of seven years applicable to staff members at the Professional and higher categories.

Non-competitive recruitment

(3) An initial temporary-assistance appointment after a non-competitive recruitment process shall be for a period of no less than one year but in no event for more than two years, whereby normally the first year shall be subject to a period of probation as set out in Staff Regulation 3.03(c).

(4) The initial temporary-assistance appointment may be extended or renewed, taking into account the criteria of paragraph (F)(2) above, provided that the total period of aggregate service under non-competitive appointments and engagements under AM.II/11, except those in accordance with paragraph 3 of Annex II to AM.II/11 and internships in accordance with Annex V to AM.II/11, without an interruption of twelve months or longer between such appointments or engagements, does not exceed two years. Upon reaching two years of aggregate service, the staff member shall, for a period of twelve months, be ineligible for reappointment, unless this is the result of a competitive recruitment process, and ineligible for an engagement under AM.II/11, subject to the maximum tour of service of seven years applicable to staff members at the Professional and higher categories.

(5) Staff members holding temporary-assistance appointments are eligible for the entitlements and benefits applicable for fixed-term appointments, unless otherwise indicated in the present Staff Rules.

Short-term appointments

(H) Short-term appointments may be issued for the purpose of staffing a project or other programmatic activity for which service is expected to be required for a period of less than one year. A short-term appointment shall not carry any expectation of, or right to extension, renewal or conversion to another type of appointment.

(1) An initial short-term appointment shall be for a period of less than one year.

(2) The initial short-term appointment may be extended or renewed, taking into account the criteria of paragraph (F)(2) above, provided that the total period of aggregate service under non-competitive appointments and engagements under AM.II/11, except those in accordance with paragraph 3 of Annex II to AM.II/11 and internships in accordance with Annex V to AM.II/11, without an interruption of twelve months or longer between such appointments or engagements, does not exceed two years. Upon reaching two years of aggregate service, the staff member shall, for a period of twelve months, be ineligible for reappointment, unless this is the result of a competitive recruitment process, and ineligible for an engagement under AM.II/11, subject to the maximum tour of service of seven years applicable to staff members at the Professional and higher categories.

(3) Staff members holding short-term appointments are subject to the Special Staff Rules for Short-Term Staff Members set forth in AM.II/12.

Conversion of appointments

(I) If an appointment listed in paragraph (A) above is converted into, or followed without interruption by, another type of appointment listed in paragraph (A) above, all entitlements due under the new type of appointment shall be calculated as of the effective date of the new appointment, except when determining step increments, for which preceding periods of continuous service under one or more temporary-assistance or short-term appointments shall be taken into account.

Rule 3.03.2 – Local recruitment

(A) As a rule, staff members in the General Service category shall be recruited from within the country of the duty station and shall have local status.

(B) Staff members in the General Service category may, exceptionally, be recruited from outside the country of the duty station and have non-local status, provided that they:

- (1) are appointed to a post which has been determined by the Director General to require special skills; and
- (2) possess such special skills which are not available locally.

(C) The local or non-local status shall be indicated in the staff member's letter of appointment.

(D) If, upon his/her request, a staff member having non-local status is transferred to a post which does not require special skills as defined in paragraph (B)(1) above, he/she will lose his/her non-local status.

(E) Staff members in the General Service category subject to local recruitment under this rule shall not be eligible for the entitlements and benefits indicated under Staff Rule 3.03.4 (B).

Rule 3.03.3 – Nationality

(A) For the purpose of the application of the Staff Regulations and the Staff Rules, the Agency shall not recognize more than one nationality for each staff member, which will normally not be changed during his/her tenure with the Agency.

(B) When a staff member has been legally accorded nationality status by more than one country, the staff member's nationality for the purpose of the Staff Regulations and the Staff Rules shall be the nationality of the country with which the staff member, in the opinion of the Director General, has the closest ties. In establishing the country with which the staff member has the closest ties, the Director General will give due regard to family, cultural, work-related and other ties, as informed by the staff member.

Rule 3.03.4 – International recruitment

(A) Staff members other than those regarded under Staff Rule 3.03.2 as having been locally recruited shall be considered as having been internationally recruited. .

(B) Depending on their type of appointment, the allowances and benefits available to internationally recruited staff members may include: payment of travel expenses upon appointment and separation for themselves; their spouses and dependent children; removal of personal and household effects; home leave; education grant; education grant travel; rental subsidy; repatriation grant; and non-resident's allowance for non-local General Service staff members who were in receipt of such an allowance on 31 August 1983.

(C) Those staff members locally identified at their duty station for posts in the Professional and higher categories are considered internationally recruited but would generally not be entitled to some or all of the entitlements and benefits mentioned in paragraph (B) above as determined by the Director General.

Rule 3.03.5 – Family relationships and spouse employment

- (A) An appointment shall not be granted to a person who bears any of the following relationships to a staff member: father, mother, son, daughter, brother or sister.
- (B) The spouse of a staff member may be appointed provided that he/she is:
- (1) A well-qualified candidate for the post for which he/she is being considered; and
 - (2) Not given any preference by virtue of his/her relationship to the staff member.
- (C) A staff member who is the spouse of another staff member:
- (1) Shall not be assigned to serve in a post which is superior or subordinate in the line of authority to that of his/her spouse or which could lead to financial collusion between the two; and
 - (2) Shall disqualify himself/herself from participating in the process of reaching or reviewing an administrative decision affecting the status or entitlements of his/her spouse.
- (D) The marriage of one staff member to another shall not affect the contractual status of either spouse but their entitlements and other benefits shall be modified as provided in the relevant Staff Regulations and Rules. The same modifications shall apply in the case of a staff member whose spouse is a staff member of another organization participating in the United Nations Common System. Where both spouses are staff members and maintain separate households because they are assigned to different duty stations, the Director General may decide to maintain such separate entitlements and other benefits, provided that this is not inconsistent with any Staff Regulation.

REGULATION 3.04

The Director General shall establish appropriate medical standards which prospective staff members shall be required to meet before appointment.

Rule 3.04.1 – Medical clearances

- (A) All offers of appointment shall be made subject to a satisfactory medical clearance from the Medical Director. Should the medical clearance not be satisfactory, the Director General may cancel the offer of appointment or amend its terms.
- (B) Staff members shall, during their employment, be re-evaluated by a Medical Officer in accordance with the medical standards as established by the Director General.
- (C) Before any travel for the Agency, a staff member shall have such immunizations as the Medical Director shall prescribe.
- (D) Any immunization and any medical examination required by the Agency shall be at its expense.

LETTER OF APPOINTMENT**REGULATION 3.05**

Upon appointment each staff member shall receive a letter of appointment signed by the Director General or his/her authorized representative. The letter of appointment shall state in so far as applicable:

- (a) That the appointment is subject to the provisions of these Staff Regulations and the Staff Rules applicable to the category of the appointment in question, and to amendments which may be duly made to these Staff Regulations and to the Staff Rules from time to time;
- (b) The nature of the appointment;
- (c) The date on which the staff member is required to enter upon his/her duties;

- (d) The period of appointment, the notice required to terminate it and period of probation, if any;
- (e) The terms of remuneration; and
- (f) Any special conditions which may be warranted to cover exceptional circumstances.

A copy of these Staff Regulations and of the Staff Rules promulgated pursuant thereto shall be transmitted to each staff member with his/her letter of appointment. In accepting appointment, each staff member shall state that he/she accepts the terms and conditions laid down in these Staff Regulations and in the Staff Rules.

Rule 3.05.1 – Transmission of Staff Regulations and Rules by electronic data transfer

- (A) Transmission of these Staff Regulations and Rules as well as of administrative issuances to the staff may be made through the use of electronic data transfer.
- (B) The Staff Regulations and Staff Rules as well as administrative issuances shall be transmitted in documentary form to those staff members who do not have access to electronic data transfer.
- (C) The transmission of these Staff Regulations and Rules as well as of administrative issuances in the manner provided for in paragraphs (A) and (B) above shall be considered to meet the requirements of Staff Regulation 3.05 and shall constitute notification of the staff member concerned.

Rule 3.05.2 – Terms of appointment

The letter of appointment of a staff member shall contain, expressly or by reference, all the terms and conditions of employment. No staff member shall be entitled to any benefit or right not thus indicated.

Rule 3.05.3 – Effective date of appointment

The appointment of every staff member shall take effect from the date mentioned in the letter of appointment. This shall be the date the staff member reports for duty if locally recruited. If travel is authorized it shall normally be the date he/she enters travel status, provided that this date is not earlier than required for travel by the route and mode of transport designated by the Agency.

PERFORMANCE AND DEVELOPMENT REVIEW PROCESS REGULATION 3.06

The Director General shall establish a system for performance management and development of all staff, and for the recognition of different levels of performance within the framework of the principles and guidelines recommended by the International Civil Service Commission (ICSC).

Rule 3.06.1 – Performance and development review process

- (A) All staff members up to and including the Director level shall be subject to the performance and development review process referred to in Staff Regulation 3.06 above.
- (B) The purpose of the process is to enhance accountability and organizational effectiveness through improved work planning, communication, evaluation and staff development, and to facilitate performance related human resources decisions.

Rule 3.06.2 – Responsibilities

Performance management is a shared responsibility between the staff member and the supervisor and is an ongoing collaboration within the Performance and Development Review (PDR) cycle.