



# international staff rules

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unrwa  
الاونروا

united nations relief and works agency  
for palestine refugees in the near east

وكالة الأمم المتحدة لإغاثة وتشغيل  
اللاجئين الفلسطينيين في الشرق الأدنى



## CONTENT

<b>Chapter</b>	<b>Subject</b>	<b>Rules</b>	<b>Page</b>
	Applicability		1
<b>I</b>	Duties, Obligations and Privileges	1.1 – 1.9	2
<b>II</b>	Classification of Posts and Staff	2.1	8
<b>III</b>	Salaries and Related Allowances	3.1 – 3.21	9
<b>IV</b>	Appointment and Promotion	4.1 – 4.17	21
<b>V</b>	Leave	5.1 – 5.4	26
<b>VI</b>	Social Security	6.1 – 6.7	32
<b>VII</b>	Travel and Relocation Expenses	7.1 – 7.19	36
<b>VIII</b>	Staff Relations	8.1	47
<b>IX</b>	Separation from Service	9.1 – 9.13	48
<b>X</b>	Disciplinary Measures	10.1 – 10.4	56
<b>XI</b>	Appeals	11.1 – 11.5	59
<b>XII</b>	General Provisions	12.1 – 12.3	63
<b>XIII</b>	Transitional Measures	13.1	64
<b>Annex</b>			
<b>I</b>	Salary Scales and Related Provisions		66
<b>II</b>	Termination Indemnity		69
<b>III</b>	Repatriation Grant		71
<b>IV</b>	Pensionable Remuneration		72
<b>V</b>	Education Grant		74
<b>VI</b>	Arrangements relating to Military Service		76
<b>VII</b>	Rules governing Compensation in the event of Death, Injury or Illness attributable to the Performance of Official Duties on behalf of the Agency		78

## **APPLICABILITY**

Staff Rules 1.1 through 13.1 are applicable to all International staff members of the Agency as defined in the Staff Regulations. The term “staff” and “staff members” as used throughout these Rules shall refer exclusively to such staff.

## **CHAPTER I**

### **DUTIES, OBLIGATIONS AND PRIVILEGES**

#### **RULE 1.1**

##### **Status of Staff**

- (a) The declaration made by a staff member on appointment pursuant to staff regulation 1.2 shall be placed in her or his official status file. A new declaration shall be made after a break in service that exceeds three months.
- (b) The declaration administered under staff regulation 1.2 shall not prevent the close collaboration of staff with a Government pursuant to an agreement between the Government and the Agency.

#### **RULE 1.2**

##### **Basic Rights and Obligations of Staff**

###### **General**

- (a) Staff members shall follow the directions and instructions properly issued by the Commissioner-General and by their supervisors.
- (b) Staff members must comply with local laws and honour their private legal obligations, including, but not limited to, the obligation to honour orders of competent courts.
- (c) Staff members have the duty to report any breach of the Agency's regulations and rules to the officials whose responsibility it is to take appropriate action and to cooperate with duly authorized audits and investigations. Staff members shall not be retaliated against for complying with these duties.
- (d) Disciplinary procedures set out in Chapter X of the Staff Regulations and Chapter X of the Staff Rules may be instituted against a staff member who fails to comply with his or her obligations under the Charter of the United Nations, the UNRWA International Staff Regulations and UNRWA International Staff Rules or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant.

###### **Specific Instances of Prohibited Conduct**

- (e) Sexual exploitation and abuse are prohibited. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or the age of consent locally, except where a staff member is legally married to a person who is under the age of 18 but over the age of majority or consent in his or her country of citizenship. Mistaken belief in the age of a child is not a defence. The exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. Agency staff members are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse.

- (f) Any form of discrimination or harassment, including sexual or gender harassment, as well as abuse in any form at the workplace or in connection with work, is prohibited.
- (g) Staff members shall not disrupt or otherwise interfere with any meeting or other official activity of the Agency, including activity in connection with the administration of justice system, nor shall staff members threaten, intimidate or otherwise engage in any conduct intended, directly or indirectly, to interfere with the ability of other staff members to discharge their official functions. Staff members shall not threaten, retaliate or attempt to retaliate against such individuals or against staff members exercising their rights and duties under the present Rules.
- (h) Staff members shall not intentionally misrepresent their functions, official title or the nature of their duties to Member or non-Member Observer States or to any entities or persons external to the Agency.
- (i) Staff members shall not intentionally alter, destroy, falsify or misplace or render useless any official document, record or file entrusted to them by virtue of their functions, which document, record or file is intended to be kept as part of the records of the Agency.
- (j) Staff members shall not seek to influence Member or non-Member Observer States or members or observers of the Advisory Commission or expert groups in order to obtain a change from a position or decision taken by the Commissioner-General, including decisions relating to the financing of the Agency's programmes or units, or in order to secure support for improving their personal situation or the personal situation of other staff members or for blocking or reversing unfavourable decisions regarding their status or their colleagues' status.
- (k) Staff members shall neither offer nor promise any favour, gift, remuneration or any other personal benefit to another staff member or to any third party with a view to causing him or her to perform, fail to perform or delay the performance of any official act. Similarly, staff members shall neither seek nor accept any favour, gift, remuneration or any other personal benefit from another staff member or from any third party in exchange for performing, failing to perform or delaying the performance of any official act.

### **Honours, Gifts or Remuneration**

- (l) No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government. However, if refusal of an unanticipated honour, decoration, favour or gift from a Government would cause embarrassment to the Agency, the staff member may receive it on behalf of the Agency provided that it is reported to and approved by the Commissioner-General.
- (m) Acceptance by staff members of any honour, decoration, favour, gift or remuneration from non-governmental sources requires the prior approval of the Commissioner-General. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the interests of the Agency and with the staff member's status as an international civil servant. If circumstances do not allow for prior approval or if refusal of an unanticipated honour, decoration, favour or gift, including a minor gift of essentially nominal value, would cause embarrassment to the Agency, staff members may receive it on behalf of the Agency provided that it is reported to and approved by the Commissioner-General.

- (n) The Commissioner-General may authorize staff members to accept from a non-governmental source or a university or a related institution, academic awards, distinctions and tokens of a commemorative or honorary character, such as scrolls, certificates, trophies or other items of essentially nominal monetary value.
- (o) Staff members, as part of their official functions, will be expected from time to time to attend governmental or other functions such as meetings, conferences, meals and diplomatic receptions. Such attendance is not considered receipt of a favour, gift or remuneration within the meaning of the Staff Regulations and Staff Rules.
- (p) Staff members shall not accept any gift, remuneration or favour from any source having or seeking to have any type of contractual relationship with the Agency.

### **Conflict of Interest**

- (q) A staff member whose personal interests interfere with the performance of her or his official duties and responsibilities or with the integrity, independence and impartiality required by the staff member's status as an international civil servant shall disclose any such actual or possible interest to the Commissioner-General or delegated official and, except as otherwise authorized by the Commissioner-General or delegated official, formally excuse herself or himself from participating with regard to any involvement in that matter which might give rise to a conflict of interest situation.
- (r) The Commissioner-General shall establish procedures for the filing and utilization of financial disclosure statements.

### **Outside Activities and Interests**

- (s) Staff members shall not engage in any outside occupation or employment (including self-employment), whether remunerated or not, without the prior approval of the Commissioner-General.
- (t) Staff members shall not, except in the normal course of official duties or with the prior approval of the Commissioner-General, perform any one of the following acts, if such acts relate to the purpose, activities or interests of the Agency or of the United Nations:
  - (i) issue statements to the press, radio or other agencies of public information;
  - (ii) accept speaking engagements;
  - (iii) take part in film, theatre, radio or television productions;
  - (iv) submit articles, books or other material for publication, or for any electronic dissemination.

Approval may be granted in accordance with staff regulation 1.17.

- (u) Membership in a political party is permitted, provided that such membership does not entail action, or obligation to take action, by the staff member contrary to staff regulation 1.11. The payment of normal financial contributions to a political party shall not be construed as an activity inconsistent with the principles set out in staff regulation 1.11.

- (v) The Commissioner-General shall establish procedures whereby staff may seek in confidence clarification as to whether proposed outside activities would conflict with their status as international civil servants.

### **Travel and Per Diem for Activities related to the Work of the Agency**

- (w) Staff members who are authorized by the Commissioner-General to participate in activities related to the work of the Agency, which are organized by a Government, intergovernmental organization, non-governmental organization or other private source may receive from that organizing entity accommodation, travel and subsistence allowance generally in line with those payable by the Agency. In such cases the subsistence allowance that may otherwise be payable by the Agency shall be reduced as envisaged by staff rule 7.11(a).

### **RULE 1.3**

#### **Performance of Staff**

- (a) Staff members shall be evaluated for their efficiency, competence and integrity through performance appraisal mechanisms that shall assess the staff member's compliance with the standards set out in the Staff Regulations and Staff Rules for purposes of accountability.
- (b) The Commissioner-General should seek to ensure that appropriate learning and development programmes are available for the benefit of staff.
- (c) Performance reports shall be prepared regularly for all staff members in accordance with procedures promulgated by the Commissioner-General.

### **RULE 1.4**

#### **Hours of Work and Official Holidays**

- (a) The normal working week shall be as prescribed by the Commissioner-General, provided however, that the normal working week applicable to particular posts, duties or assignments may be varied at the Commissioner-General's discretion, taking into account the nature of the duties performed and the surrounding circumstances.
- (b) The daily hours of work at each duty station shall be prescribed in administrative circulars or office instructions.
- (c) A staff member shall be required to work beyond the normal hours of duty whenever requested to do so.
- (d) The Agency shall observe ten official holidays per year. The days on which official holidays shall be observed in each of the countries in which the Agency operates shall be prescribed by the Commissioner-General in administrative circulars or office instructions. If an official holiday provided for herein falls on a weekly rest day, either the immediately preceding or immediately following work day shall be designated as the official holiday.

**RULE 1.5****Notification by Staff Members and Obligation to Supply Information**

- (a) Staff members shall be responsible for supplying the Commissioner-General with whatever information may be required, both during the application process and on subsequent employment, for the purpose of determining their status under the Staff Regulations and Staff Rules, or of completing administrative arrangements in connection with their employment. Staff members shall be held personally accountable for the accuracy and completeness of the information they provide.
- (b) Staff members shall also be responsible for promptly notifying the Commissioner-General, in writing, of any subsequent changes affecting their status under the Staff Regulations and Staff Rules.
- (c) A staff member who intends to acquire permanent resident status in any country other than that of his or her nationality or who intends to change his or her nationality, shall notify the Commissioner-General of that intention before the change in his or her resident status or in his or her nationality becomes final.
- (d) A staff member who has been arrested, charged with an offence other than a minor traffic violation, or summoned before a court as a defendant in a criminal proceeding, or has been convicted, fined or imprisoned for any offence other than a minor traffic violation, shall immediately report the fact to the Commissioner-General.
- (e) A staff member may at any time be required by the Commissioner-General to supply information concerning facts anterior to his or her appointment and relevant to his or her suitability, or concerning facts relevant to his or her integrity, conduct and service as a staff member.

**RULE 1.6****Staff Member's Beneficiaries**

- (a) At the time of appointment, each staff member shall nominate a beneficiary or beneficiaries in writing in a form prescribed by the Commissioner-General. It shall be the responsibility of the staff member to notify the Commissioner-General of any revocation or changes of beneficiaries.
- (b) In the event of the death of a staff member, all amounts due to the staff member will be paid to his or her nominated beneficiary or beneficiaries subject to application of the Staff Rules and of the Regulations of the United Nations Joint Staff Pension Fund. Such payment shall afford the Agency a complete release from all further liability in respect to any sum so paid.
- (c) If a nominated beneficiary does not survive, or if a designation of beneficiary has not been made or has been revoked, the amount due to the staff member will, upon the staff member's death, be paid to his or her estate.

**RULE 1.7**  
**Financial Responsibility**

Staff members shall exercise reasonable care in any matter affecting the financial interests of the Agency, its physical and human resources, property and assets.

**RULE 1.8**  
**Liability Insurance**

Staff members who own or drive motor vehicles shall carry public liability and property damage insurance in an amount adequate to insure them against claims arising from injury or death to other persons, or from damage to the property of others, caused by their vehicles.

**RULE 1.9**  
**Proprietary Rights**

All rights, including title, copyright and patent rights, in any work performed by a staff member as part of his or her official duties, shall be vested in the Agency.

## **CHAPTER II**

### **CLASSIFICATION OF POSTS AND STAFF**

#### **RULE 2.1**

##### **Classification of Posts**

- (a) Posts in the Professional and higher categories other than those of Under-Secretary-General and Assistant Secretary-General shall be classified in level according to standards applied in the United Nations common system of salaries and allowances and related to the nature of the duties, the level of responsibilities and the qualifications required.
- (b) Posts in the General Service and related categories shall be classified in level according to standards prescribed by the Commissioner-General and related to the nature of the duties, the level of responsibilities and the qualifications required.

## **C H A P T E R   I I I**

### **SALARIES AND RELATED ALLOWANCES**

#### **RULE 3.1 Salary Scales**

- (a) The Commissioner-General shall publish the salary scales, pensionable remuneration and conditions of salary increments for staff members appointed in the Professional and higher categories and in the General Service category in the Agency's area of operations.
- (b) The Commissioner-General shall determine salaries, allowances and other conditions of service for staff members appointed in the General Service category outside the Agency's area of operations.

#### **RULE 3.2 Staff Assessment**

- (a) In application of the staff assessment plan under staff regulation 3.5, salaries for staff members in the Professional and higher categories and in the General Service category in the Agency's area of operations shall be subject to the assessment rates specified in staff regulation 3.5 (b).
- (b) The transitional measures governing the salary scales and pensionable remuneration are subject to the provisions of staff rule 13.1 (f).

#### **RULE 3.3 Salary Increments**

- (a) Satisfactory service for the purpose of awarding a salary increment shall be defined, unless otherwise decided by the Commissioner-General in any particular case, as satisfactory performance and conduct of staff members in their assignments, as evaluated by their supervisors.
- (b) Salary increments shall be effective on the first day of the month in which the service requirements are completed, provided that the period of service may be shortened to meet the requirements of staff rule 3.4 (b) and that such increments shall not be effective earlier than the first day of the month in which a staff member returns to pay status from a period of leave without pay. No increment shall be paid in the case of staff members whose services will cease during the month in which the increment would otherwise have been due. An increment will, however, be paid if the date of separation is established as the last day of the month in which the increment would normally have been due.

- (c) If a staff member with satisfactory service is changed to a lower salary level, the period of service since the last increment shall be credited towards the next increment within the lower level. If a staff member whose service has not been satisfactory is changed to a lower salary level, the staff member's eligibility for salary increment in the lower level will be based on satisfactory service in the lower level.

**RULE 3.4**  
**Salary Policy**

- (a) On appointment, a staff member shall normally be placed at the first step of the level of his or her post, unless otherwise decided by the Commissioner-General.
- (b) On promotion, a staff member shall be placed at the lowest step in the level to which he or she has been promoted that provides an increase in net base salary equal to at least the amount that would have resulted from the granting of two incremental steps at the lower level.
- (c) If promotion is effective on the month in which an increment at the lower level is due, such increment will be included in the salary at the lower level, to which two steps will then be added to determine the staff member's salary on promotion in accordance with paragraph (b) above.
- (d) The date of the first salary increment at the higher level shall be the anniversary date of promotion, except that in the case of those increments that require two years of satisfactory service, the first increment at the higher level will become due two years from the date of promotion.

**RULE 3.5**  
**Pensionable Remuneration**

- (a) The definition of pensionable remuneration is set out in article 51 of the Regulations of the United Nations Joint Staff Pension Fund.
- (b) The pensionable remuneration of staff members in the General Service category in the Agency's area of operations shall be established in the same manner as for staff in the Professional and higher categories.

**RULE 3.6**  
**Dependency Allowances**

**Definitions**

For the purposes of the Staff Regulations and Staff Rules:

- (a) A "dependent spouse" is a spouse whose earnings if any, do not exceed the lowest entry level of the United Nations General Services gross salary scales in force on 1 January of the year concerned for the duty station in the country of the spouse's place of work.

- In the case of staff in the Professional and higher categories and in the General Service category in the Agency's area of operations, the amount shall not at any duty station be less than the equivalent of the lowest entry level at the base of the salary system (G-2, Step 1, for New York).
- (b) A "child" is any of the following children for whom the staff member provides main and continuing support:
- (i) A staff member's natural or legally adopted child, or
  - (ii) A staff member's stepchild, who is residing with the staff member, or
  - (iii) A child who cannot be legally adopted, for whom the staff member has legal responsibility and who is residing with the staff member.
- (c) A "dependent child" is a child for whom the staff member provides main and continuing support and who meets one of the following criteria:
- (i) The child is under the age of 18 years;
  - (ii) The child is between the ages of 18 and 21 years and attends university or its equivalent full-time; the requirement of residing with the staff member does not apply in this case;
  - (iii) The child is of any age and has a disability that is permanent or for a period that is expected to be long-term that prevents substantial gainful employment.
- (d) A staff member claiming a child as dependent must certify that he or she provides main and continuing support. This certification must be supported by documentary evidence satisfactory to the Commissioner-General, if a child:
- (i) Does not reside with the staff member;
  - (ii) Is married; or
  - (iii) Is recognized as a dependant under the special conditions referred to in paragraph (c) (iii) above.
- (e) A secondary dependant shall be the father, mother, brother or sister of whose financial support the staff member provides one half or more, and in any case at least twice the amount of the dependency allowance. The conditions regarding age, school attendance and disability are the same for a brother or sister as those applicable to a staff member's child in subparagraph (c) above.

#### **Amount of Dependency Allowances**

- (f) The dependency allowances, which are applicable to the different categories of staff, shall be published by the Commissioner-General. The dependency allowance shall normally be payable in accordance with the applicable rates, unless otherwise provided for by the Commissioner-General:

- (i) Dependent spouse allowance: a dependent spouse allowance in the amount of 6 per cent of net base salary plus post adjustment shall be paid to a staff member in the Professional and higher categories and in the General Service category in the Agency's area of operations with a recognized dependent spouse, under conditions established by the Commissioner-General;
- (ii) Single parent allowance: a staff member in the Professional and higher categories and in the General Service category in the Agency's area of operations recognized as a single parent shall receive a single parent allowance in the amount of 6 per cent of net base salary plus post adjustment in respect of the first dependent child, under conditions established by the Commissioner-General. A staff member who receives a single parent allowance in respect of the first dependent child shall not be eligible for payment of a child allowance for that child;
- (iii) Dependent child allowance: eligible staff members shall receive a dependent child allowance for each recognized dependent child, under conditions established by the Commissioner-General. Subject to the provisions of staff regulation 3.4 (a), the full amount of the dependency allowance provided under those regulations and the Staff Rules in respect of a dependent child shall be payable, except where the staff member or other parent receives a direct governmental grant in respect of the same child. Where such a governmental grant is made, the dependent child allowance or single parent allowance payable under this rule shall be the approximate amount by which the governmental grant is less than the dependent child allowance or single parent allowance set out under the Staff Regulations and Staff Rules. No dependency allowance is payable if the governmental grant is equal to or exceeds the rate set out under the Staff Regulations and Staff Rules.
- (iv) Secondary dependant allowance: A secondary dependant allowance shall be paid in respect of not more than one secondary dependant, and such payment shall not be made when a payment is being made for a dependent spouse.
- (g) Staff members shall be responsible for notifying the Commissioner-General in writing of claims for dependency allowances and may be required to support such claims by documentary evidence satisfactory to the Commissioner-General. Staff members shall be responsible for reporting to the Commissioner-General any change in the status of a dependant that may affect the payment of this allowance.

### **RULE 3.7**

#### **Post Adjustment and Rental Subsidy**

- (a) Post adjustment is an amount paid to staff members serving in the Professional and higher categories and in the General Service category in the Agency's area of operations, in accordance with annex I, paragraph (d) of these Rules, to ensure equity in purchasing power of staff members across duty stations.
- (b) While the salary of a staff member is normally subject to the post adjustment of his or her duty station during assignments for one year or more, alternative arrangements may be made by the Commissioner-General under the following circumstances:

- (i) A staff member who is assigned to a duty station classified lower in the schedule of post adjustments than the duty station in which the staff member has been serving may continue to receive for up to six months the post adjustment applicable to the former duty station while at least one member of his or her immediate family (spouse and children) remains at that duty station.
  - (ii) When a staff member is assigned to a duty station for less than one year, the Commissioner-General shall decide at that time whether to apply the post adjustment applicable to the duty station and, if appropriate, to pay a settling-in grant under staff rule 7.17, mobility incentive under staff rule 3.13 if applicable, hardship allowance and non-family service allowance under staff rules 3.14 and 3.15 or, in lieu of the above, to authorize appropriate subsistence payments.
- (c) At duty stations where the average rental cost used in calculating the post adjustment index is based on the cost of housing provided by the United Nations, by the Government or by a related institution, eligible staff members who have to rent housing accommodation at substantially higher commercial rates will be paid a supplement to the post adjustment in the form of a rental subsidy under conditions established by the Commissioner-General.

### **RULE 3.8** **Language Allowance**

A staff member in the General Service category in the Agency's area of operations up to and including level G-6, holding a fixed-term appointment may be entitled to a pensionable language allowance, under rates and conditions determined by the Commissioner-General.

### **RULE 3.9** **Education Grant**

#### **Definitions**

- (a) For the purposes of the present rule:
  - (i) "Child" means a child of a staff member who is dependent upon the staff member for main and continuing support as defined in staff rule 3.6 (b) and 3.6 (c);
  - (ii) "Child with a disability" means a child who 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 or her for full integration into society or, while attending a regular educational institution, requires special teaching or training to assist him or her in overcoming the disability;
  - (iii) "Home country" means the country of home leave of the staff member under staff rule 5.3. If both parents are eligible staff members, "home country" means the country of home leave of either parent;

- (iv) "Duty station" means the country, or area within commuting distance notwithstanding national boundaries, where the staff member is serving.

### **Eligibility**

- (b) Subject to conditions established by the Commissioner-General, a staff member who holds a fixed-term or indefinite appointment shall be entitled to an education grant in respect of each child, provided that:
  - (i) The staff member is regarded as an international recruit under staff rule 4.5 and resides and serves at a duty station which is outside his or her home country; and
  - (ii) The child is in full-time attendance at a school, university or similar educational institution.
- (c) If a staff member eligible under paragraph (b) above is reassigned to a duty station within his or her home country in the course of a school year, he or she may receive the education grant for the balance of that school year.

### **Duration**

- (d)
  - (i) The grant shall be payable up to the end of the school year in which the child completes four years of post-secondary studies or attains a first post-secondary degree, whichever comes first;
  - (ii) The grant will not normally be payable beyond the school year in which the child reaches the age of 25 years. If the child's education is interrupted for at least one school year by national service, illness or other compelling reasons, the period of eligibility shall be extended by the period of interruption.

### **Amount of the Grant**

- (e) The amount to which a staff member may be entitled under the grant are set out in annex V to the present Rules.
- (f) The amount of the grant to be paid when the staff member's period of service or the child's school attendance does not cover the full school year shall be prorated under conditions to be defined by the Commissioner-General. If a staff member in receipt of the education grant dies while in service at the beginning of the school year, the full entitlement for that particular school year shall be granted.

### **Travel**

- (g) A staff member to whom boarding assistance is payable under paragraphs (ii) or (iii) of annex V to the present Rules in respect of the child's attendance at an educational institution at the primary or secondary level, shall be entitled to travel expenses for the child of one return journey each scholastic year between the educational institution and the duty station, under conditions established by the Commissioner-General. If travel to the duty station by the child is not possible, return travel by the staff member or spouse may be authorized in lieu of travel by the child, under conditions established by the Commissioner-

General.

### **Tuition of the Mother Tongue**

- (h) Tuition for teaching in the mother tongue under staff regulation 3.3 (c) may be reimbursed subject to conditions established by the Commissioner-General.

### **Special Education Grant**

- (i) A special education grant for a child with a disability shall be available to staff members of all categories, regardless of whether or not they are serving in their home country, provided that they have a fixed-term or indefinite appointment. The amount to which a staff member is entitled under the grant is set out in annex V to the present Rules, under conditions established by the Commissioner-General.

### **Claims**

- (j) Claims for the education grant shall be submitted in accordance with conditions established by the Commissioner-General.

## **RULE 3.10** **Special Post Allowance**

- (a) Staff members shall be expected to assume temporarily, as a normal part of their customary work and without extra compensation, the duties and responsibilities of higher level posts.
- (b) Without prejudice to the principle that promotion shall be the normal means of recognizing increased responsibilities and demonstrated ability, a staff member holding a fixed-term or indefinite appointment who is called upon to assume the full duties and responsibilities of a post at a clearly recognizable higher level than his or her own for a temporary period exceeding three months may, in exceptional cases, be granted a non-pensionable special post allowance, payable from the beginning of the fourth month of service at the higher level.
- (c) When a staff member in the General Service category is required to serve in a higher level post in the Professional category, the allowance under paragraph (b) above may be paid immediately when the staff member assumes the higher duties and responsibilities. When a staff member in any category is required to serve in a post more than one level above his or her level, the allowance under paragraph (b) above may also be paid immediately when the staff member assumes the higher duties and responsibilities.
- (d) The amount of the special post allowance shall be equivalent to the salary increase (including post adjustment and dependency allowances, if any) which the staff member would have received had the staff member been promoted to the next higher level.
- (e) In all cases, special post allowance is subject to the staff member's satisfactory performance in the post at the higher level.

**RULE 3.11**  
**Overtime and Compensatory Time Off**

- (a) Staff members in the General Service category in the Agency's area of operations up to and including level G-6 who are required to work in excess of the working week established for this purpose shall be given compensatory time off or may receive additional payment, under conditions established by the Commissioner-General.
- (b) Should the exigencies of the service permit, and subject to the prior approval of the Commissioner-General, occasional compensatory time off may be granted to staff members serving in the Professional and higher categories who have been required to work substantial or recurrent periods of overtime.

**RULE 3.12**  
**Night Differential**

- (a) A staff member who is assigned to regularly scheduled night-time tours of duty shall receive a night differential at a rate and under conditions established by the Commissioner-General.
- (b) Unless otherwise specifically prescribed by the Commissioner-General, night differential shall not be paid for the same work for which overtime payment or compensatory time off is allowed or for any hours when the staff member is on leave or in travel status.

**RULE 3.13**  
**Mobility Incentive**

- (a) A non-pensionable mobility incentive may be paid under conditions established by the Commissioner-General to staff members in the Professional and higher categories and in the General Service category in the Agency's area of operations, provided that they:
  - (i) Hold a fixed-term or indefinite appointment; and
  - (ii) Are on an assignment of one year or more to a new duty station and are installed at the new duty station; and
  - (iii) Have served for five years or more of continuous service on a fixed-term or indefinite appointment in the United Nations common system of salaries and allowances.
- (b) The mobility incentive shall cease after five years of continuous service at the same duty station. In the exceptional case of staff members who remained at the same duty station at the explicit request of the Agency, the mobility incentive is payable for one additional year.
- (c) The amount of the mobility incentive, if any, and the conditions under which it will be paid, shall be determined by the Commissioner-General taking into account the length of the staff member's continuous service in the United Nations common system of salaries and allowances, the number of duty stations at which he or she has previously served for a period of one year or longer and the hardship classification of the new duty station to which the staff member is assigned.

**RULE 3.14**  
**Hardship Allowance**

- (a) Staff members in the Professional and higher categories and in the General Service category in the Agency's area of operations who are appointed or reassigned to a new duty station may be paid a non-pensionable hardship allowance.
- (b) The amount of this allowance, if any, and the conditions under which it will be paid shall be determined by the Commissioner-General taking into account the degree of difficulty of life and work at each duty station as per the classification of duty stations established by the International Civil Service Commission.

**RULE 3.15**  
**Non-Family Service Allowance**

- (a) When a duty station has been designated as non-family, the presence of eligible dependants of the staff member shall not be authorized at the duty station, unless exceptionally approved by the Commissioner-General.
- (b) Staff members in the Professional and higher categories and in the General Service category in the Agency's area of operations who are appointed or reassigned to a non-family duty station may be paid a non-pensionable non-family service allowance. The amount and conditions, under which the allowance shall be paid, shall be determined by the Commissioner-General. In no event shall the allowance be payable if the Commissioner-General has exceptionally approved the presence of eligible dependants of the staff member at the duty station pursuant to staff rule 3.15 (a).

**RULE 3.16**  
**Salary Advances**

- (a) Salary advances may be made to staff members under the following circumstances and conditions:
  - (i) Upon departure on extended official travel or approved leave involving absence from duty for a period of at least 17 calendar days including one pay day, in the amount that would fall due for payment during the period;
  - (ii) In cases where staff members have not received their regular pay, through no fault of their own, in the amount due;
  - (iii) Upon separation, where final settlement of pay accounts cannot be made at the time of departure, subject to the advance not exceeding 80% of the estimated final payments due;
  - (iv) In cases where new staff members arrive without sufficient funds, in such amount as the Commissioner-General may deem appropriate;
  - (v) Upon change of official duty station, in such amounts as the Commissioner-General may deem appropriate.

- (b) The Commissioner-General may, in exceptional and compelling circumstances, and if the request of the staff member is supported by a detailed justification in writing, authorize an advance for reasons other than those enumerated above.
- (c) Salary advances other than those referred to in subparagraphs (a) (i), (ii) and (iii) above shall be liquidated at a constant rate, as determined at the time the advance is authorized, in consecutive months commencing not later than the month following that in which the advance is made.

### **RULE 3.17** **Retroactivity of Payments**

A staff member who has not been receiving an allowance, grant or other payment to which he or she is entitled shall not receive retroactively such allowance, grant or payment unless the staff member has made written claim:

- (a) In the case of the cancellation or modification of the staff rule governing eligibility, within three months following the date of such cancellation or modification;
- (b) In every other case, within one year following the date on which the staff member would have been entitled to the initial payment.

### **RULE 3.18** **Deductions and Contributions**

Deductions from salaries and other emoluments due to staff members may be made each pay period for the following purposes:

- (a) Staff assessment, at the rates and subject to the conditions prescribed in staff regulation 3.5 and staff rule 3.2;
- (b) For contributions to the United Nations Joint Staff Pension Fund, based on the staff member's pensionable remuneration, as defined in staff rule 6.1;
- (c) For contributions, other than to the United Nations Joint Staff Pension Fund, for which provision is made under these Rules;
- (d) For indebtedness to the Agency;
- (e) For indebtedness to third parties when any deduction for this purpose is authorized by the Commissioner-General;
- (f) Lodging provided by the Agency, by a Government or by a related institution;
- (g) Contributions to a staff representative body established pursuant to staff regulation 8.1, provided that each staff member has the opportunity to withhold his or her consent to or at any time to discontinue such deduction, by notice to the Commissioner-General.

**RULE 3.19**  
**Reimbursement of Income Tax**

- (a) Where a staff member is subject to both to staff assessment under the Staff Regulations and national income taxation in respect of the salary and emoluments paid to him or her by the Agency, the Agency shall refund to him or her the amount of taxation so collected from him or her provided that:
- (i) If the staff member, having been refunded national income taxation under paragraph (a) above, becomes eligible for refund of all or part of such taxation in accordance with the legislation of the Government concerned, he or she shall be obliged to reimburse to the Agency a sum equivalent to the amount so refunded by the Government concerned, together with any interest that he or she may have been paid by the Government on the amount refunded.
  - (ii) The staff member shall be required to take all available legal means of reducing or eliminating his or her liability to national income taxation on salary or other emoluments received from the Agency, and to obtain a refund of any sum previously paid in respect of such taxation before being reimbursed by the Agency, provided that the Commissioner-General may waive this requirement in whole or in part in exceptional circumstances.
  - (iii) If, on separation, a staff member who has received reimbursement of national income taxation under paragraph (a) is, or appears capable of becoming, eligible for refund of any national income taxation paid, the Commissioner-General may require the staff member to refund to the Agency amounts previously reimbursed in respect of that taxation, plus appropriate interest thereon, provided that if within one year of separation the staff member proves to the satisfaction of the Commissioner-General his or her inability to qualify for such refund, reimbursement shall be made to the staff member once more.
- (b) For the purposes of this rule, income tax paid to or levied by any authorized political sub-division of a federal state shall be deemed to be national income tax.

**RULE 3.20**

**Computation for Payment of Salaries and Allowance and/or Deductions for Fractional Periods**

- (a) Salaries and related allowances shall normally be paid monthly in arrears.
- (b) For computing fractional payments or deductions of salaries or allowances, or any other entitlements quoted at or based on annual rates in the Staff Regulations and Rules, one year consists of 261 working days (365 days per year less 104 weekend days), and one month consists of 21.75 working days (261 working days per year divided by 12 months). Accordingly:
- (i) for each full month of qualifying service, one-twelfth (1/12) of the annual salary or allowance shall be paid;

- (ii) for periods less than one full month of qualifying service, the monthly salary calculated under sub-paragraph (b) (i) above shall be divided by 21.75 to calculate the daily salary rate;
- (iii) Provided that where an entitlement is quoted at or based on weeks of salary the amount shall be computed by taking one fifty-second ( $1/52$ ) of the annual rate for each week of entitlement.

**RULE 3.21**  
**Recruitment Incentive**

An incentive payment for the recruitment of experts in highly specialized fields in instances in which the Agency was unable to attract suitably qualified personnel may be made at the discretion of, and under conditions to be prescribed by, the Commissioner-General. The amount of the recruitment incentive shall not exceed 25 per cent of the annual net base salary for each year of the agreed appointment.

**CHAPTER IV**  
**APPOINTMENT AND PROMOTION**

**RULE 4.1**  
**Letter of Appointment**

The letter of appointment issued to every staff member contains expressly or by reference all the terms and conditions of employment. All contractual entitlements of staff members are strictly limited to those contained expressly or by reference in their letter of appointment.

**RULE 4.2**  
**Effective Date of Appointment**

The appointment of every staff member shall take effect from the date on which he or she enters into official travel status to assume his or her duties or, if no official travel is involved, from the date on which he or she reports for duty.

**RULE 4.3**  
**Nationality**

- (a) In the application of Staff Regulations and Rules, the Agency shall not recognize more than one nationality for each staff member.
- (b) When a staff member has been legally accorded nationality status by more than one State, the staff member's nationality for the purposes of the Staff Regulations and Rules shall be the nationality of the State with which the staff member is, in the opinion of the Commissioner-General, most closely associated.

**RULE 4.4**  
**Staff in Posts subject to Local Recruitment**

- (a) All staff in the General Service and related categories outside of the Agency's area of operations shall be recruited in the country or within commuting distance of each office, irrespective of their nationality and of the length of time they may have been in the country.
- (b) A staff member subject to local recruitment under this rule shall not be eligible for the allowances or benefits indicated under staff rule 4.5 (a).

**RULE 4.5**  
**Staff in Posts subject to International Recruitment**

- (a) Staff members other than those regarded under staff rule 4.4 as having been locally recruited shall be considered as having been internationally recruited. Depending on their type of appointment, the allowances and benefits available to internationally recruited staff members may include: payment of travel expenses upon initial appointment and on separation for themselves and their spouses and dependent children; relocation shipment; home leave; education grant; and repatriation grant.
- (b) Staff recruited locally at a duty station for posts in the Professional and higher categories at that specific duty station are considered internationally recruited but would generally not be entitled to some or all of the allowances and benefits mentioned in paragraph (a) above as determined by the Commissioner-General.
- (c) Under special circumstances and conditions determined by the Commissioner-General, staff who have been recruited to serve in posts in the General Service and related categories in the Agency's area of operations may be considered internationally recruited.
- (d) A staff member who has changed his or her residential status in such a way that he or she may, in the opinion of the Commissioner-General, be deemed to be a permanent resident of any country other than that of his or her nationality may lose entitlement to home leave, education grant, repatriation grant, and payment of travel expenses upon separation for the staff member and his or her dependants and relocation shipment, based upon place of home leave, if the Commissioner-General considers that the continuation of such entitlements would be contrary to the purposes for which the allowance or benefit was created.

**RULE 4.6**  
**Geographical Distribution**

Recruitment on as wide a basis as possible, in accordance with the requirements of staff regulation 4.3 shall not apply to posts in the General Service category outside of the Agency's area of operations.

**RULE 4.7**  
**Family Relationships**

- (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 or she is fully qualified for the post for which he or she is being considered and that the spouse is not given any preference by virtue of the relationship to the staff member.
- (c) A staff member who bears to another staff member any of the relationships specified in (a) and (b) above:

- (i) Shall not be assigned to serve in a post that is superior or subordinate in the line of authority to the staff member to whom he or she is related;
  - (ii) Shall disqualify himself or herself from participating in the process of reaching or reviewing an administrative decision affecting the status or entitlements of the staff member to whom he or she is related.
- (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 of salaries and allowances. Where both spouses are staff members and maintain separate households because they are assigned to different duty stations, the Commissioner-General may decide to maintain such separate entitlements and benefits, provided that this is not inconsistent with any staff regulation or other decision of the General Assembly.

#### **RULE 4.8** **Change of Official Duty Station**

A change of official duty station shall take place when a staff member who has been assigned or transferred to serve in another duty station for a period exceeding six months.

#### **RULE 4.9** **Inter-organization Movements**

- (a) Inter-organization movements are defined in and shall be governed by an inter-organization agreement among the organizations applying the United Nations common system of salaries and allowances.
- (b) The Commissioner-General may allow a staff member to serve in a specialized agency or other intergovernmental organization, provided that such movement in no way diminishes the rights or entitlements of the staff member under his or her letter of appointment with the Agency.

#### **RULE 4.10** **Internal Candidates and Internal Vacancies**

For the purpose of staff regulation 4.5, the expression “internal candidates” means staff members who were recruited in accordance with established competitive selection procedures and whose appointments have been confirmed. The Commissioner-General may define conditions under which female staff members of other United Nations common system organizations applying to UNRWA vacancies may also be considered as internal candidates. Vacancies for which eligibility to apply is restricted to such internal candidates shall be referred to as “internal vacancies”. The conditions under which persons other than internal candidates may apply for internal vacancies shall be defined by the Commissioner-General.

**RULE 4.11**  
**Types of Appointment**

- (a) A staff member may be granted a temporary or fixed-term appointment under staff rules 4.12 and 4.13 below.
- (b) Staff members already in service and holding an indefinite appointment will retain their status in accordance with the terms of their letter of appointment.

**RULE 4.12**  
**Temporary Appointment**

- (a) A temporary appointment shall be granted for a period of less than one year to meet seasonal or peak workloads and specific short-term requirements, having an expiration date specified in the letter of appointment.
- (b) The appointment of a staff member who has served for the maximum period as described in paragraph (a) above may be renewed for an additional period of less than one year when warranted by surge requirements and operational needs related to field operations and special projects with finite mandates under circumstances and conditions established by the Commissioner-General.
- (c) A temporary appointment does not carry any expectancy, legal or otherwise, of renewal. A temporary appointment shall not be converted to any other type of appointment.

**RULE 4.13**  
**Fixed-Term Appointment**

- ( a ) A fixed-term appointment, having an expiration date specified in the letter of appointment, may be granted for a period of one year or more, with an initial appointment not exceeding two years, including to persons temporarily seconded by national governments or institutions for service with the Agency. A fixed-term appointment may be renewed for any period up to three years at a time.
- (b) A fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or of conversion to any other type of appointment, irrespective of the length of service.

**RULE 4.14**  
**Probation**

A fixed-term appointment shall be subject to a probationary period of normally one year. In exceptional circumstances, the probationary period may be reduced, or extended for not more than one additional year.

**RULE 4.15**  
**Re-employment**

- (a) A former staff member who is re-employed under conditions established by the Commissioner-General shall be given a new appointment unless he or she is reinstated under staff rule 4.16.
- (b) The terms of the new appointment shall be fully applicable without regard to any period of former service. When a staff member is re-employed under the present rule, the service shall not be considered as continuous between the prior and new appointments.
- (c) When a staff member receives a new appointment in the United Nations common system of salaries and allowances less than 12 months after separation, the amount of any payment on account of termination indemnity, repatriation grant or commutation of accrued annual leave shall be adjusted so that the number of months, weeks or days of salary to be paid at the time of the separation after the new appointment, when added to the number of months, weeks or days paid for prior periods of service, does not exceed the total of months, weeks or days that would have been paid had the service been continuous.

**RULE 4.16**  
**Reinstatement**

- (a) A former staff member who held a fixed-term or indefinite appointment and who is re-employed under a fixed-term appointment within 12 months of separation from service may be reinstated if the Commissioner-General considers that such reinstatement would be in the interest of the Agency.
- (b) On re-instatement the staff member's services shall be considered as having been continuous, and he or she shall return to the Agency any monies received on account of separation, including termination indemnity under staff regulation 9.4, repatriation grant under staff regulation 9.6 and payment for accrued annual leave under staff rule 9.9. The interval between separation and re-instatement shall be charged, to the extent possible, to annual leave, with any further period charged to special leave without pay. The staff member's sick leave credit under staff rule 6.3 at the time of separation shall be re-established; the staff member's participation, if any, in the United Nations Joint Staff Pension Fund shall be governed by the Regulations of that Fund.
- (c) If the former staff member is reinstated, it shall be so stipulated in his or her letter of appointment.

**RULE 4.17**  
**Medical Examination**

- (a) Staff members may be required from time to time to satisfy the Director of Health, by medical examination, that they are free from any ailment likely to impair their efficiency or the health or safety of others.
- (b) Staff members may also be required to undergo such medical examinations and receive such inoculations as the Director of Health may consider necessary.

## CHAPTER V

### LEAVE

#### **RULE 5.1** **Annual Leave**

- (a) A staff member who holds a temporary appointment shall accrue annual leave while in full pay status at the rate of one and a half (1.5) days per month unless otherwise provided by the Commissioner-General. No leave shall accrue while a staff member is receiving compensation equivalent to salary and allowances under staff rule 6.5.
- (b) A staff member who holds a temporary appointment may accumulate and carry forward up to 18 working days of annual leave by 1 April of any year or such other date as the Commissioner-General may set for a duty station, subject to staff rule 4.12 (b).
- (c) A staff member who holds a fixed-term or an indefinite appointment shall accrue annual leave while in full pay status at the rate of two and a half (2.5) days per month provided that:
  - (i) No leave shall accrue while a staff member is receiving compensation equivalent to salary and allowances under staff rule 6.5;
  - (ii) When a staff member commences service after the first working day of a month, two (2) days of annual leave shall accrue for service beginning up to and including the sixteenth day of the month, and one (1) day of annual leave shall accrue for service beginning on the seventeenth day of the month or later; and
  - (iii) When a staff member separates before the last working day of a month, one (1) day of annual leave shall accrue for service ending up to and including the fifteenth day of the month, and two (2) days of annual leave thereafter.
- (d) Annual leave may be taken in units of days and half-days. All arrangements as to leave shall be subject to the exigencies of the service that may require that leave be taken by a staff member during a period designated by the staff member's immediate or second supervisor.
- (e) A staff member who holds a fixed-term or an indefinite appointment may accumulate and carry forward up to sixty (60) days of annual leave by 1 April of any year or such other date as the Commissioner-General may set.
- (f) Leave may be taken only when authorized but the personal circumstances and preferences of the individual staff member shall as far as possible be considered. If a staff member is absent from work without authorization, payment of salary and allowances shall cease for the period of unauthorized absence. However, if, in the opinion of the Commissioner-General, the absence was caused by reasons beyond the staff member's control and the staff member has accrued annual leave, the absence may be charged to that leave.

- (g) A staff member may, in exceptional circumstances, be granted advance annual leave up to a maximum of ten working days during a period designated by the staff member's immediate or second supervisor, provided the staff member's service is expected to continue for a period beyond that necessary to accrue the leave so advanced.

## **RULE 5.2**

### **Special Leave**

- (a) (i) Special leave may be granted at the request of a staff member holding a fixed-term or indefinite appointment for advanced study or research in the interest of the United Nations or of the Agency, in case of the death of a member of the staff member's immediate family, in cases of extended illness, for child care or for other important reasons for such period as the Commissioner-General may prescribe.
- (ii) Special leave is normally without pay. In exceptional circumstances, special leave with full or partial pay may be granted.
- (iii) In the case of adoption of a child, special leave with full pay may be granted under the conditions and for the period established by the Commissioner-General.
- (iv) Special leave shall not be authorized for governmental service in a political office, in a diplomatic or other representational post or for the purpose of performing any functions that are incompatible with the staff member's continuing status as an international civil servant. In exceptional circumstances, special leave without pay may be granted to a staff member who is requested by his or her Government to render temporary services involving functions of a technical nature.
- (b) A staff member who holds a fixed-term or an indefinite appointment and who has completed one year of satisfactory service and who is called upon to serve in the armed forces of the State of which the staff member is a national, whether for training or active duty, may be granted special leave without pay for the duration of such military service, in accordance with terms and conditions set forth in annex VI of these Rules, as applicable.
- (c) The Commissioner-General may authorize special leave without pay for pension purposes to protect the pension benefits of staff under conditions set by the Commissioner-General.
- (d) A staff member who holds a temporary appointment may exceptionally be granted special leave, with full or partial pay or without pay, for compelling reasons for such period as the Commissioner-General deems appropriate.
- (e) Continuity of service shall not be considered broken by periods of special leave with or without pay. However, staff members shall not accrue service credits towards sick, annual and home leave, salary increment, seniority, termination indemnity and repatriation grant during periods of special leave with partial pay or without pay exceeding one month. Periods of less than one full month of such leave shall not affect the ordinary rates of accrual.

**RULE 5.3**  
**Home Leave**

- (a) Staff members regarded as international recruits and who are not excluded from home leave under rule 4.5 (b), who are serving outside their home country and who are otherwise eligible, shall be entitled once in every 24 months of qualifying service to visit their home country at Agency expense for the purpose of spending in that country a reasonable period of annual leave. Leave taken for this purpose and under the terms and conditions set forth in this rule shall hereinafter be referred to as home leave.
- (b) A staff member shall be eligible for home leave provided the following conditions are fulfilled:
  - (i) While performing his or her official duties, the staff member continues to reside in a country other than that of which he or she is a national;
  - (ii) The staff member's service is expected by the Commissioner-General to continue:
    - a. At least six months beyond the date of his or her return from any proposed home leave; and
    - b. In the case of the first home leave, at least six months beyond the date on which the staff member will have completed 24 months of qualifying service.
  - (iii) In the case of home leave following the return from a family visit travel under rule 7.1 (b), normally not less than nine months of continuous service have elapsed since the return from the family visit travel.
- (c) Staff members whose eligibility under paragraph (b) above is established at the time of their appointment shall begin to accrue service credit towards home leave from that date. Staff members who become eligible for home leave subsequent to appointment shall begin to accrue such service credit from the effective date of their becoming eligible.
- (d) The country of home leave shall be the country of the staff member's recognized nationality, subject to the following terms, conditions and exceptions:
  - (i) The place of home leave of the staff member within his or her home country shall be, for purposes of travel and transportation entitlements, the place with which the staff member had the closest residential ties during the period of his or her most recent residence in the home country. In exceptional circumstances, a change in the place in the country of home leave may be authorized, under conditions established by the Commissioner-General.
  - (ii) A staff member who has served with another public international organization immediately preceding his or her appointment shall have the place of home leave determined as though his or her entire previous service with the other international organization had been with the Agency.

- (iii) The Commissioner-General may authorize:
- a. A country other than the country of nationality as the home country, for the purposes of this rule, in exceptional and compelling circumstances. A staff member requesting such authorization will be required to satisfy the Commissioner-General that the staff member maintained normal residence in such other country for a prolonged period preceding his or her appointment, that the staff member continues to have close family and personal ties in that country and that the staff member's taking home leave there would not be inconsistent with the purposes and intent of staff regulation 5.3;
  - b. Home leave travel to a country other than the home country subject to conditions established by the Commissioner-General. In such a case, the travel expenses borne by the Agency shall not exceed the cost of travel to the home country.
- (e) A staff member's home leave shall fall due upon completion of 24 months of qualifying service. After falling due, home leave may be taken within 12 months, subject to the exigencies of service
- (f) In exceptional circumstances, a staff member may be granted advance home leave, provided that not less than 12 months of qualifying service have been completed or that normally not less than 12 months of qualifying service have elapsed since the date of return from his or her last home leave. The granting of advance home leave shall not advance the eligibility for, or the due date of, the next home leave. The granting of advance home leave shall be subject to the conditions for the entitlement being subsequently met. If these conditions are not met, the staff member will be required to reimburse the costs paid by the Agency for the advance travel.
- (g) If a staff member delays taking his or her home leave beyond the 12-month period after which it falls due, such delayed leave may be taken without altering the time of his or her next and succeeding home leave entitlements, provided that normally not less than 12 months of qualifying service elapse between the date of the staff member's return from the delayed home leave and the date of his or her next home leave departure.
- (h) A staff member may be required to take his or her home leave in conjunction with travel on official business or change of official duty station, due regard being paid to the interests of the staff member and his or her family.
- (i) Subject to the conditions specified in Chapter VII of these Rules a staff member shall be entitled to claim, in respect of authorized travel on home leave, expenses for himself or herself and eligible family members for the outward and return journeys between the official duty station and the place of home leave. A staff member may also claim travel time in respect of authorized travel on home leave.
- (j) Travel of eligible family members shall be in conjunction with the approved home leave of the staff member, provided that exceptions may be granted if the exigencies of the service or other special circumstances prevent the staff member and his or her family members from traveling together.

- (k) If both spouses are staff members who are eligible for home leave, and taking into account staff rule 4.7 (d), each staff member shall have the choice either of exercising his or her own home leave entitlement or of accompanying the spouse. A staff member who chooses to accompany his or her spouse shall be granted travel time appropriate to the travel involved. Dependent children whose parents are staff members, each of whom is entitled to home leave, may accompany either parent. The frequency of travel shall not exceed the established periodicity of home leave both with regard to staff members and to their dependent children, if any.
- (l) A staff member traveling on home leave shall be required to spend no less than seven calendar days exclusive of travel time, in his or her home country. The Commissioner-General may request a staff member on his or her return from home leave, to furnish satisfactory evidence that this requirement has been met.
- (m) The Commissioner-General may grant home leave once in every twelve months to eligible staff members serving at designated duty stations having the most difficult conditions of life and work under specific conditions as approved by the General Assembly. Staff members shall be eligible for home leave provided that the following conditions are fulfilled:
  - (i) The staff member's service is expected to continue:
    - a. At least three months beyond the date of his or her return from any proposed home leave; and
    - b. In the case of the first home leave, at least three months beyond the date on which the staff member will have completed 12 months of qualifying service;
  - (ii) In the case of home leave following the staff member's return from family visit travel under staff rule 7.1 (a) (v), normally a period of not less than three months of continuous service has elapsed since the staff member's return from family visit travel.

#### **RULE 5.4** **Exceptional Leave**

- (a) The Commissioner-General may, at his or her initiative, place a staff member on exceptional leave if he or she considers it to be in the interest of the Agency to do so.
- (b) Exceptional leave will be subject to conditions specified by the Commissioner-General and for such period as the Commissioner-General may prescribe.
- (c) Unless the Commissioner-General decides otherwise, exceptional leave shall be without pay. If a staff member is placed on exceptional leave without pay, no salary, allowances, grants or other benefits will be paid to the staff member except as specifically provided for in this rule.
- (d) All exceptional leave must be authorized by the Commissioner-General.

- (e) Where applicable, staff members shall accrue annual, sick or home leave only during periods of exceptional leave up to and including the first 120 days of the initial period of exceptional leave. Staff members shall accrue maternity and paternity leave during the full period of exceptional leave.
- (f) Continuity of service shall not be broken by periods of exceptional leave. However, staff members shall accrue service credits for salary increments, mobility and hardship calculations and termination indemnity benefits only during periods of exceptional leave up to and including the first 120 days of the initial period of exceptional leave.
- (g) Staff members have the option of remitting the full contributions to the United Nations Joint Staff Pension Fund concurrently with a period of exceptional leave. Such contributions shall be payable by the staff member in full and shall not be reimbursed by the Agency.
- (h) Exceptional leave shall not be converted into any other leave with the exception of parental leave.
- (i) Where a staff member is participating in an Agency health protection plan, pursuant to staff rule 6.2, the Agency shall pay the Agency and staff member's contributions for any period of exceptional leave without pay. Staff members will not be required to reimburse the Agency for these contributions.

## **C H A P T E R VI**

### **S O C I A L S E C U R I T Y**

#### **RULE 6.1**

##### **Participation in the United Nations Joint Staff Pension Fund**

Staff members whose appointments are for six months or longer or who complete six months of service under shorter appointments without an interruption of more than 30 calendar days shall become participants in the United Nations Joint Staff Pension Fund, provided that participation is not excluded by their letters of appointment.

#### **RULE 6.2**

##### **Health Protection Plan**

Subject to such conditions as the Commissioner-General may prescribe, the participation of all staff members in an Agency health protection plan established under staff regulation 6.2 may be made obligatory and deductions from staff member's salaries and other emoluments may be made for this purpose.

#### **RULE 6.3**

##### **Sick Leave**

- (a) Staff members who are incapacitated from the performance of their duties by illness or injury or whose attendance is prevented by public health requirements will be granted sick leave. All sick leave must be approved on behalf of, and under conditions established by, the Commissioner-General.

##### **Maximum entitlement**

- (b) A staff member's maximum entitlement to sick leave shall be determined by the nature and duration of his or her appointment in accordance with the following provisions:
- (i) A staff member holding a temporary appointment shall be granted sick leave credit at the rate of two working days a month;
  - (ii) A staff member holding a fixed-term appointment and who has completed less than three years of continuous service, shall be granted sick leave of up to three months on full pay and three months on half pay in any period of 12 consecutive months;
  - (iii) A staff member who holds an indefinite appointment, or who holds a fixed-term appointment and who has completed three or more years of continuous service, shall be granted sick leave of up to nine months on full pay and nine months on half pay in any period of four consecutive years.

### **Uncertified sick leave**

- (c) A staff member may take uncertified sick leave for up to seven working days in an annual cycle starting 1 April of any year or such other day as the Commissioner-General may set for a duty station, when incapacitated for the performance of his or her duties by illness or injury. Part or all of this entitlement may be used to attend to family-related emergencies.

### **Certified sick leave**

- (d) Sick leave taken by a staff member in excess of the limits set in paragraph (c) above requires approval in accordance with conditions established by the Commissioner-General. When those conditions are not met, the absence shall be treated as unauthorized in accordance with staff rule 5.1 (f).

### **Sick leave during annual leave**

- (e) Normally an absence on approved annual leave cannot be charged to sick leave. However, when sickness of more than five working days in any seven day period occurs while a staff member is on annual leave, including home leave, sick leave may be approved on production of appropriate medical certificates or other satisfactory evidence. If the sick leave involves an extension of the approved period of annual leave, the staff member must inform his or her supervisors before the approved leave expires, where practicable with the submission of a medical certificate. In such circumstance, a staff member should submit his or her request for sick leave together with supporting certificate or other evidence as soon as practicable, and in any event, immediately upon return to duty.

### **Obligations of staff members**

- (f) Staff members shall be responsible for informing their supervisors as soon as possible of absences due to illness or injury. They shall promptly submit any medical certificate or medical report required under conditions to be specified by the Commissioner-General;
- (g) A staff member may be required at any time to submit a medical certificate or medical report as to his or her condition or to undergo examination by a medical practitioner named by the Commissioner-General. When in the opinion of the Director of Health, a medical condition impairs a staff member's ability to perform his or her functions, the staff member may be directed not to attend the office and advised to seek treatment from a duly qualified medical practitioner. The staff member shall comply promptly with any direction or request under this rule.
- (h) A staff member shall immediately notify the Director of Health of any case of contagious disease occurring in his or her household or of any quarantine order affecting the household. In such a case or in the case of any other condition that may affect the health of others the Director of Health shall decide whether the staff member should be excused from attendance at the office. A staff member who, as a result of these circumstances, is directed not to attend the office shall receive his or her full salary and other emoluments for the period of authorized absence.
- (i) A staff member shall not, whilst on sick leave, leave the duty station without the prior approval of the Commissioner-General.

- (j) Entitlement to sick leave shall lapse on the final date of a staff member's appointment.

**Review of decisions relating to sick leave**

- (k) Further sick leave may be refused or the unused portion withdrawn if the Commissioner-General is satisfied that the staff member is able to return to duty. Should the staff member dispute such a decision, the staff member may request that the matter be referred to an independent practitioner acceptable to both the Commissioner-General and the staff member. The independent practitioner will advise the Commissioner-General on the medical aspects of the case for a final decision. The costs of the independent medical practitioner will be borne by the Agency and the staff member in respective shares corresponding to the findings of the independent practitioner confirming the Agency's or the staff member's position. Medical determinations are not subject to further appeal under Chapter XI of these Rules.

**RULE 6.4**  
**Maternity and Paternity Leave**

- (a) Subject to conditions established by the Commissioner-General, a staff member shall be entitled to maternity leave for a total period of 16 calendar weeks in accordance with the following provisions:
- (i) The pre-delivery leave shall commence no earlier than six weeks and no later than two weeks prior to the expected date of delivery upon production of a certificate from a duly qualified medical practitioner or midwife indicating the anticipated date of delivery.
  - (ii) The post-delivery leave shall extend for a period equivalent to the difference between 16 weeks and the actual period of pre-delivery leave, subject to a minimum of 10 weeks. However, the staff member, on request, may be permitted to return to work after the lapse of a minimum period of six weeks following delivery, waiving the remainder of the maternity leave.
  - (iii) The staff member shall receive maternity leave with full pay for the entire duration of her absence in accordance with paragraphs (i) and (ii) above.
- (b) Subject to conditions established by the Commissioner-General, a staff member shall be entitled to paternity leave in accordance with the following provisions:
- (i) The leave shall be granted for a total period of up to four calendar weeks or, in the case of internationally-recruited staff members serving at a non-family duty station, up to eight calendar weeks. In exceptional circumstances as determined by the Commissioner-General, paternity leave shall be granted for a total period of up to eight calendar weeks;
  - (ii) The leave may be taken continuously or in separate periods during the year following the birth of the child, provided it is completed during that year and within the duration of the contract;

- (iii) The staff member shall receive paternity leave with full pay for the entire duration of his absence.
- (c) Sick leave shall not normally be granted for maternity cases except where serious complications arise. No sick leave shall be granted during paternity leave.
- (d) Annual leave shall accrue during the period of maternity or paternity leave.
- (e) In order to satisfy the purpose of paternity leave, the staff member is required to indicate in his application form that he will be taking paternity leave to bond with and care for his newly-born child. The staff member will also be required, on completion of each period of paternity leave, to certify that he used the paternity leave to bond with and care for the newly-born child. A staff member who is found to have abused the leave by using the time for other purposes may be subject to disciplinary procedure.

#### **RULE 6.5**

##### **Compensation for Death, Injury or Other Disability Attributable to Service**

Staff members shall be entitled to compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Agency, in accordance with the rules set forth in annex VII to these Rules.

#### **RULE 6.6**

##### **Compensation for Loss or Damage to Personal Effects Attributable to Service**

Staff members shall be entitled, within the limits and under terms and conditions established by the Commissioner-General, to reasonable compensation in the event of loss or damage to their personal effects, determined to be directly attributable to the performance of official duties on behalf of the Agency.

#### **RULE 6.7**

##### **Insurance against Special Risks**

The Commissioner-General may, at his or her discretion, provide compensation, or pay, or reimburse insurance premiums in respect of such special risks as he or she may determine to exist within the Agency's area of operations to a staff member's personal effects and household goods.

**CHAPTER VII**  
**TRAVEL AND RELOCATION EXPENSES**

**RULE 7.1**  
**Official Travel of Staff Members**

- (a) Subject to the conditions established by the Commissioner-General, the Agency shall pay the travel expenses of a staff member under the following circumstances:
- (i) On initial appointment, provided that the staff member is considered to have been internationally recruited under staff rule 4.5;
  - (ii) When required to travel on official business;
  - (iii) On change of official duty station, as defined in staff rule 4.8;
  - (iv) On home leave, in accordance with the provisions of staff rule 5.3;
  - (v) On family visit, in accordance with the provisions of paragraph (b) below;
  - (vi) On separation from service, in accordance with the provisions of Chapter IX of the Staff Regulations and Staff Rules, except in cases of abandonment of posts, and in accordance with the provisions of paragraph (c) below;
  - (vii) On travel authorized for medical, safety or security reasons or in other appropriate cases, when, in the opinion of the Commissioner-General there are compelling reasons for paying such expenses.
- (b) Under subparagraph (a) (v) above, the Agency may pay the travel expenses of a staff member to the place of recruitment, to the place of home leave or to the previous duty station for the purpose of visiting his or her eligible family members once every year in which the staff member's home leave does not fall due, provided that:
- (i) The staff member has completed not less than one year of continuous service at the duty station since the initial appointment or assignment or not less than nine months since departure on his or her last home leave journey;
  - (ii) The staff member's service at the duty station is expected to continue at least six months beyond the date of return to the duty station;
  - (iii) During the preceding twelve months, none of the eligible family members has been present with the staff member at the duty station after travel at Agency expense except education grant travel;
  - (iv) Should a staff member wish to visit his or her eligible family members residing at any other place, the travel expenses borne by the Agency shall not exceed the maximum amount that would have been payable on the basis of travel to the place of home leave. The Commissioner-General may establish special conditions for payment of these travel expenses in respect of eligible staff members serving at designated duty stations having very difficult or difficult conditions of life and work.

- (c) Under subparagraph (a) (vi) above, the Agency shall pay the travel expenses of a staff member to the place of recruitment. However, if the staff member had an appointment for a period of two years or longer or had completed not less than two years of continuous service, the Agency shall pay his or her expenses to travel to the place recognized as his or her home for the purpose of home leave under rule 5.3. Should a staff member, on separation, wish to go to any other place, the travel expenses borne by the Agency shall not exceed the maximum amount that would have been payable on the basis of return transportation to the place of recruitment or home leave, as applicable.
- (d) A staff member may be required to exercise his entitlement to visit his or her eligible family members in conjunction with other official travel, due regard being given to the interests of the staff member.
- (e) The Commissioner-General may request a staff member, on return from travel to visit his or her eligible family members, to furnish satisfactory evidence that he or she has met the requirements that the staff member spend a considerable period of annual leave with his or her eligible family members.
- (f) The Commissioner-General may, at the request of a staff member, authorize the travel of the staff member's eligible spouse to visit the staff member, as an alternative to the exercise of the staff member's entitlement to round-trip travel. In that event, the provisions of this rule shall generally be applicable to the travel of the spouse.
- (g) The Commissioner-General may reject any claim for payment or reimbursement of travel or relocation shipment expenses which are incurred by a staff member in contravention of any provision of the Staff Rules.

**RULE 7.2**  
**Official Travel of Eligible Family Members**

- (a) Eligible family members, for the purposes of official travel, shall be deemed to comprise a spouse and those children recognized as dependents under staff rule 3.6 (c).
- (b) The Agency shall not pay the travel expenses of family members of staff members holding a temporary appointment.
- (c) The Agency shall not install family members in, or pay their travel expenses to, non-family duty stations.
- (d) Subject to the conditions laid down in these Rules, the Agency shall pay the travel expenses of eligible family members as defined under paragraph (a) above of a staff member holding a fixed-term or indefinite appointment, under the following circumstances:

- (i) On the initial appointment of a staff member who is considered to have been internationally recruited, under the provisions of staff rule 4.5, provided that the appointment is for a period of one year or longer and provided the staff member's services are expected by the Commissioner-General to continue for more than six months beyond the date on which travel of his or her family members commences;
  - (ii) Following completion by the staff member of not less than one year of continuous service, provided his or her services are expected by the Commissioner-General to continue for more than six months beyond the date on which travel of his or her family members commences;
  - (iii) On change of official duty station, provided the services of the staff member at the new duty station are expected by the Commissioner-General to continue for more than six months beyond the date on which travel of his or her family members commences;
  - (iv) On home leave, in accordance with the provisions of staff rule 5.3;
  - (v) On separation of a staff member from service, provided the staff appointment was for a period of one year or longer or the staff member had completed not less than one year of continuous service;
  - (vi) On travel approved in connection with the education of a staff member's dependent child;
  - (vii) On travel authorized for medical, safety or security reasons or in other appropriate cases, when, in the opinion of the Commissioner-General, there are compelling reasons for paying such expenses;
  - (viii) On travel of the spouse to the duty station, in lieu of the staff member's family visit travel under staff rule 7.1 (a) (v).
- (e) Under subparagraphs (d) (i) and (ii) above, the Agency shall pay the travel expenses of a staff member's eligible family members either from the place of recruitment or from the place of home leave. Should a staff member wish to bring any eligible family member to the official duty station from any other place, the travel expenses borne by the Agency shall not exceed the maximum amount that would have been payable on the basis of travel from place of recruitment or home leave.
- (f) Under subparagraph (d) (v) above, the Agency shall pay the travel expenses of a staff member's eligible family members from the official duty station to the place to which the staff member is entitled to be returned in accordance with the provisions of staff rule 7.1 (c). Where both spouses are staff members and either or both are entitled to the payment of travel expenses on separation from service, travel expenses shall be paid for each only upon their own separation from service. Where both spouses are entitled to return travel expenses, each staff member shall have the choice either of exercising his or her own entitlement or of accompanying the other spouse, provided that in no case shall such expenses be paid for a staff member while he or she remains in the service of the Agency.

- (g) In the case of staff members holding a fixed-term or indefinite appointment, the Commissioner-General may authorize payment of the travel expenses of a child for one trip either to the staff member's duty station or to his or her home country beyond the age when the dependency status of the child would otherwise cease under the relevant Staff Regulations and Staff Rules, either within one year or upon completion of the child's continuous full-time attendance at a university, when the attendance at the university commenced during the period of recognized dependency status.
- (h) Notwithstanding subparagraphs (d) (iv), (vi) and (viii), the Commissioner-General may also authorize payment of the travel expenses for repatriation purposes of a former spouse, provided that the staff member is holding a fixed-term or indefinite appointment.

### **RULE 7.3**

#### **Loss of Entitlement to Return Travel Expenses**

- (a) A staff member holding a fixed-term or indefinite appointment who resigns before completing one year of service or within six months following the date of his or her return from travel on home leave or family visit shall not be entitled to payment of return travel expenses for himself or herself and family members unless, in the opinion of the Commissioner-General, there are compelling reasons for authorizing such payment.
- (b) A staff member holding a temporary appointment who resigns before completing the full term of his or her appointment shall not be entitled to payment of return travel expenses for himself or herself unless the Commissioner-General determines that there are compelling reasons for authorizing such payment.
- (c) Entitlement to return travel expenses shall cease if travel has not commenced within two years after the date of separation. However, in accordance with staff rule 4.7 (d), where both spouses are staff members and the spouse who separates first is entitled to return travel expenses, his or her entitlement shall not cease until two years after the date of separation of the other spouse.

### **RULE 7.4**

#### **Authorization to Travel**

Before travel is undertaken, it shall be authorized in writing. In exceptional cases, staff members may be authorized to travel on oral orders, but such oral authorization shall require written confirmation. A staff member shall be personally responsible for ascertaining that he or she has the proper authorization before commencing travel.

**RULE 7.5**  
**Travel Expenses**

- (a) Travel expenses which shall be paid or reimbursed by the Agency under the relevant provisions of these Rules include:
  - (i) Transportation expenses;
  - (ii) Terminal expenses;
  - (iii) Daily subsistence allowance;
  - (iv) Necessary additional expenses incurred during travel.
- (b) Staff members shall exercise the same care in incurring expenses that a prudent person would exercise if travelling on personal business.

**RULE 7.6**  
**Travel within the Agency's Area of Operations**

- (a) Official travel within the Agency's Area of Operations shall be made by the Agency's own means of transportation whenever the Commissioner-General considers that it is in the interests of the Agency to provide such means. When such Agency transportation is provided, whether by air, road or other means, no transportation expenses shall be payable or reimbursable to the staff member.
- (b) Whenever the Commissioner-General considers that it is in the interests of the Agency, he or she may set terms and conditions, including terms and conditions that differ from those established under these Rules, for payment of terminal expenses, daily subsistence allowance and reimbursement of other necessary additional expenses incurred during official travel within the Agency's Area of Operations.

**RULE 7.7**  
**Route, Mode, Dates and Standard of Travel**

- (a) Official travel shall in all instances be by a route, mode and standard of travel approved in advance by the Commissioner-General.
- (b) Travel expenses and other entitlements, including travel time, shall be limited to the amount allowable for a journey by the approved route, mode, dates and standard. Staff members who wish to make other arrangements for personal convenience must obtain permission to do so in advance and pay all additional costs.

**Route of Travel**

- (c) The normal route for all official travel shall be in the most direct and economical route. An alternative route may be approved when, in the opinion of the Commissioner-General, it is in the best interests of the Agency.

### **Mode of Travel**

- (d) The normal mode of transportation for all official travel shall be by air. An alternative mode of transportation may be approved when, in the opinion of the Commissioner-General, it is in the best interests of the Agency.
- (e) If a staff member or family member travels by a more economical mode of transportation than the approved mode, the Agency shall only pay for the mode of transportation actually used.

### **Official Dates of Travel**

- (f) The official departure date is normally the day on which travel must start to allow the traveller to arrive at the place of official business before the commencement of duties. The official return date is normally the day after duties on official business have ended.

### **Standard of Travel**

- (g) For all official travel by air, staff members and their eligible family members shall be provided with economy class transportation in accordance with the least costly air fare structure regularly available or its equivalent. However, under conditions established by the Commissioner-General, accommodation immediately below first class may be granted. In exceptional cases, the Commissioner-General may approve a higher standard of travel.
- (h) Children, including those under two years of age, travelling by air shall be provided with a ticket giving entitlement to a seat.
- (i) For all official water travel approved under paragraph (d) above, staff members and their eligible family members shall be provided with the standard of accommodation which is, in the opinion of the Commissioner-General, appropriate to the circumstances of the case.
- (j) For all official travel by train or commercial ground transportation approved under paragraph (d) above, staff members and their eligible family members shall be provided with regular first class or equivalent standard..
- (k) If a staff member or family member travels by more economical standard than the approved standard, the Agency shall only pay for standard actually used at the rate paid by the traveller.

### **RULE 7.8 Travel by Motor Vehicle**

Staff members who are authorized to travel by motor vehicle shall be reimbursed by the Agency at rates and under conditions established by the Commissioner-General.

**RULE 7.9**  
**Purchase of Tickets**

- (a) Unless the staff member concerned is specifically authorized to make other arrangements, all tickets for transportation involving official travel of staff members and eligible family members shall be purchased by the Agency in advance of the actual travel.
- (b) When a staff member requests a standard of travel in excess of his or her entitlement under staff rule 7.7, for reasons of personal preference or convenience, he or she shall be required to reimburse the Agency for any additional costs thus incurred, before the Agency provides him or her with the necessary tickets.

**RULE 7.10**  
**Terminal Expenses**

- (a) For all official travel to or from the duty station, a staff member is entitled to payment of terminal expenses at rates and under conditions established by the Commissioner-General. Terminal expenses shall be deemed to include all expenditures for transportation and incidental charges between the airport or other point of arrival or departure and the hotel or other place of dwelling in respect of the staff member and each family member authorized to travel at Agency expense.
- (b) For all official travel to or from the duty station, a staff member may claim reimbursement of terminal expenses incurred for each required trip by means of public conveyance between the airport or other point of arrival or departure and the hotel or other place of dwelling, in accordance with United Nations common system standards or as otherwise determined by the Commissioner-General.
- (c) No terminal expenses shall be reimbursable in respect of an intermediate stop that:
  - (i) Is not authorized;
  - (ii) Does not involve leaving the terminal; or
  - (iii) Is exclusively for the purpose of making an onward connection.

**RULE 7.11**  
**Daily Subsistence Allowance**

- (a) Except as provided in paragraph (h) below, a staff member authorized to travel at Agency expense shall receive an appropriate daily subsistence allowance in accordance with a schedule of rates established from time to time and based on the daily subsistence allowance rate for the authorized destination. Such established rates shall be subject to staff rule 7.12 and to reductions in cases where lodging or meals are provided free of charge by the United Nations, by the Agency, by a Government or by a related institution. In case a staff member for personal reasons does not stay at the authorized destination, the lodging portion of the daily subsistence allowance is not payable. Staff members are obliged to inform the Agency of any deviation from the authorized travel. If the authorized destination is at the place of home leave, the lodging portion of the daily subsistence allowance is only payable upon proof of stay in a hotel or other accommodation for which payment was made.

- (b) The Commissioner-General may, in exceptional and compelling circumstances, authorize a reasonable increase in the daily subsistence allowance to be paid to a staff member who is required to accompany a senior official and whose official duties while in travel status require that his or her additional living expense be set at a rate substantially higher than the established rate.
- (c) Daily subsistence allowance shall be deemed to comprise the total contribution of the Agency towards such charges as meals, lodging, gratuities, and other payments made for personal services rendered.
- (d) When the spouse or dependent children of a staff member are authorized to travel at the Agency's expense, the staff member shall be paid an additional daily subsistence allowance in respect of each of them at half the rate applicable to the staff member.
- (e) Except for leave taken at a rate not exceeding one and a half days for each completed month on which a staff member is in travel status on official business, daily subsistence allowance shall not be paid in respect of any period of annual or special leave. It shall not, in any event be paid in respect of leave taken at the conclusion of active duty on an assignment but prior to the staff member's return to his official duty station.
- (f) Daily subsistence allowance shall continue to be paid during periods of sick leave while in travel status, except that, if the traveller is hospitalized, only one-third of the appropriate daily rate shall be paid.
- (g) The appropriate daily subsistence allowance shall be paid for any days on which a staff member is required to perform official duties in connection with travel or leave.
- (h) No daily subsistence allowance shall be payable in respect of travel on appointment, assignment, repatriation, home leave, family visit or education grant, provided that the allowance may be paid for stopovers actually made on such travel under conditions established by the Commissioner-General. Where travel at the Agency's expense is authorized for medical, safety, security or other reasons under staff rule 7.1 (a) (vii) or 7.2 (a) (vii), an appropriate amount of daily subsistence allowance may be paid at the discretion of the Commissioner-General.

**RULE 7.12**  
**Special Rates of Daily Subsistence Allowance**

The Commissioner-General may establish a special rate of daily subsistence allowance in cases where he or she deems it appropriate.

**RULE 7.13**  
**Computation of the Daily Subsistence Allowance**

- (a) Except during travel by sea, daily subsistence allowance shall be paid to a staff member, at the rates and under the conditions prescribed in staff rule 7.11 for each calendar day or fraction thereof involving an overnight stay away from his or her residence, during which the staff member or his or her family members are in official travel status, provided that for a journey of 24 hours or longer a full day's allowance at the appropriate rate shall be paid for the day on which travel is begun, unless no overnight stay is required due to overnight air travel, in which case a full day's allowance is payable as of the day of arrival. No allowance shall be paid for the day on which travel is ended.
- (b) Where travel is by sea, a full day's daily subsistence allowance at the appropriate rate shall be paid for the day of arrival at the port of disembarkation, provided the traveller remains in official travel status for more than 12 hours thereafter. No daily subsistence allowance shall be paid for the day on which embarkation takes place.
- (c) If more than one rate should apply during the course of any one day or if the traveller completes his or her travel on the same day as he or she commenced it, the rate applicable for the area of destination shall be paid for that day, except that for the last leg of a return travel on official business the allowance shall be paid at the rate applicable to the last authorized place where the staff member spent the night.

**RULE 7.14**  
**Miscellaneous Travel Expenses**

- (a) Necessary additional expenses incurred by a staff member in connection with the transaction of official business or in the performance of authorized travel shall be reimbursed by the Agency after completion of travel, provided that the necessity and nature of the expenses are satisfactorily explained and supported by proper receipts, which shall normally be required for any expenditures in excess of \$30.00. Such expenses, for which advance authorization shall be obtained to the extent practicable, shall normally be limited to:
  - (i) Local transportation other than that provided for under staff rule 7.10;
  - (ii) Telephone or other forms of communication required for official business;
  - (iii) Space, equipment and services required for official use;
  - (iv) Transportation or storage of authorized baggage or property used on official business.

**RULE 7.15**  
**Travel Advances**

Staff members authorized to travel shall provide themselves with sufficient funds for all current expenses by securing an advance of funds if necessary. An advance of funds up to 100% of the daily subsistence allowance and terminal expenses payable under the Staff Rules may be made on the basis of an estimate and certification.

**RULE 7.16**  
**Illness or Accident During Travel on Official Business**

The Agency shall pay or reimburse reasonable hospital and medical expenses, in so far as these are not covered by other arrangements, which may be incurred by staff members who become ill or are injured while in travel status on official business.

**RULE 7.17**  
**Settling-in Grant**

**Definition and computation of the grant**

- (a) The settling-in grant is intended to provide staff with a reasonable amount of cash at the beginning of an assignment for costs incurred as a result of the appointment or assignment and is based on the assumption that the main expenses of installation are incurred at the outset of an assignment.
- (b) The settling-in grant consists of two portions:
  - (i) The daily subsistence allowance portion, which shall be equivalent to:
    - a. Thirty days of daily subsistence allowance at the daily rate applicable under subparagraph (c) (i) below; and
    - b. Thirty days of daily subsistence allowance at half such daily rate in respect of each accompanying eligible family member for whom travel expenses have been paid by the Agency under staff rule 7.2 (d) (i) - (iii).
  - (ii) The lump-sum portion, equivalent to one month of the net base salary of the staff member plus the applicable post adjustment at the new duty station.
- (c) (i) The daily subsistence allowance rates under staff rule 7.11 shall be used in computing the settling-in grant;
  - (ii) Under conditions established by the Commissioner-General, the limit of 30 days provided in paragraph (b) above may be extended to a maximum of 90 days. The amount of the grant during the extended period shall be up to 60 per cent of the appropriate prevailing rate.

**Eligibility**

- (d) A staff member holding a temporary appointment who travels at the Agency's expense pursuant to staff rule 7.1 (a) (i) above shall be paid only the daily subsistence allowance portion of the settling-in grant, for himself or herself only, as specified in subparagraph (b) (i) above.

- (e) A staff member holding a fixed-term or indefinite appointment who travels at the Agency's expense to a duty station for an assignment expected to be for one year or more shall be paid a settling-in grant in accordance with paragraphs (b) and (c) above.
- (f) If a change of official duty station or a new appointment involves a return to a place at which the staff member was previously stationed, the full amount of the settling-in grant shall not be payable unless the staff member has been absent from that place for at least one year. In the case of a shorter absence, the amount payable shall normally be that proportion of the full grant that the completed months of absence bear to one year.
- (g) Where both spouses are staff members who are travelling at Agency expense to a duty station, and taking into account staff rule 4.7 (d), the daily subsistence allowance portion of the settling-in grant shall be paid to each in respect of himself or herself. If two staff members have a dependent child or children, the settling-in grant in respect of such child or children shall be paid to the staff member for whom each child is recognized to be dependent.
- (h) If both spouses would otherwise qualify for the lump-sum portion of the grant, such lump sum shall be paid only to the spouse whose lump-sum portion yields the higher amount.
- (i) In cases where the staff member holding a fixed-term or indefinite appointment has not completed one year of service at the duty station or in cases where the staff member holding a temporary appointment has not completed the initial duration of appointment in respect of which the settling-in grant has been paid, the grant shall be adjusted proportionately and recovery made under conditions established by the Commissioner-General who, in exceptional circumstances, may decide to waive recovery.
- (j) The Commissioner-General may, in appropriate cases, authorize payment of all or part of the settling-in grant where the Agency has not been required to pay travel expenses upon the appointment of a staff member regarded as internationally recruited.

#### **RULE 7.18**

##### **Excess Baggage and Shipment of Personal Effects and Household Goods**

Staff members who travel at the Agency's expense may be entitled to the use of an allowance for excess baggage or arrangements for the shipment of personal effects and household goods in accordance with the terms and conditions set the Commissioner-General.

#### **RULE 7.19**

##### **Transportation of Decedents**

Upon the death of a staff member or of his or her spouse or dependent child, the Agency shall pay the expenses of transportation of the body from the official duty station or, in the event of death having occurred whilst in travel status, from the place of death to a place to which the deceased was entitled to return transportation under staff rule 7.1 or 7.2. These expenses shall include reasonable costs for preparation of the body. If local interment is elected, reasonable expenses incurred for the interment may be reimbursed.

## **CHAPTER VIII**

### **STAFF RELATIONS**

#### **RULE 8.1**

##### **Staff Association**

- (a) The Staff Association shall be entitled to effective participation, through their duly elected Executive Committee, in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other human resources policies,, and shall be entitled to make proposals to the Commissioner-General on behalf of the staff.
- (b) Any staff member shall be eligible for election and may participate in elections to the Executive Committee, subject to any exceptions as may be provided in the statutes or electoral regulations drawn up by the Staff Association and meeting the requirements of staff regulation 8.1(b).

## **C H A P T E R   I X**

### **S E P A R A T I O N   F R O M   S E R V I C E**

#### **RULE 9.1**

##### **Definition of Separation**

- (a) Any of the following shall constitute separation from service:
  - (i) Resignation;
  - (ii) Abandonment of post;
  - (iii) Expiration of appointment;
  - (iv) Retirement;
  - (v) Termination of appointment;
  - (vi) Death.

#### **RULE 9.2**

##### **Resignation**

- (a) A resignation, within the meaning of the Staff Regulations and Staff Rules, is a separation initiated by the staff member.
- (b) Unless otherwise specified in their letters of appointment, three months' written notice of resignation shall be given by staff members holding indefinite appointments, 30 calendar days' written notice of resignation shall be given by staff members holding fixed-term appointments and 15 calendar days' written notice by those holding temporary appointments. The Commissioner-General may, however, accept resignations on shorter notice.
- (c) The Commissioner-General may require the resignation to be submitted in person in order to be acceptable.

#### **RULE 9.3**

##### **Abandonment of Post**

Abandonment of post is a separation initiated by the staff member other than by way of resignation. Separation as a result of abandonment of post shall not be regarded as a termination within the meaning of the Staff Rules.

#### **RULE 9.4**

##### **Expiration of Appointments**

A temporary or fixed-term appointment shall expire automatically and without prior notice on the expiration date specified in the letter of appointment.

### **RULE 9.5**

#### **Retirement**

If appointed between 1 January 1990 and 31 December 2013, a staff member shall not be retained in active service beyond the age of 62 years or, if appointed on or after 1 January 2014, beyond the age of 65 years. The Commissioner-General may, in the interest of the Agency, extend this age limit in exceptional cases.

### **RULE 9.6**

#### **Termination**

##### **Definitions**

- (a) A termination within the meaning of the Staff Regulations and Staff Rules is a separation from service initiated by the Agency.
- (b) Separation as a result of resignation, abandonment of post, expiration of appointment, retirement or death shall not be regarded as a termination within the meaning of the Staff Rules.

##### **Reasons for termination**

- (c) The Commissioner-General may, giving the reasons therefor, terminate the appointment of a staff member who holds a temporary, fixed-term or indefinite appointment in accordance with the terms of the appointment or on any of the following grounds:
  - (i) If the services of the staff member prove unsatisfactory;
  - (ii) If the staff member is, for reasons of health, incapacitated for further service;
  - (iii) If the conduct of the staff member indicates that the staff member does not meet the highest standards of integrity required by staff regulation 4.3;
  - (iv) If facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of his or her appointment, should, under the standards established by staff regulation 4.3 or the United Nations Charter, have precluded his or her appointment;
  - (v) If, in the Commissioner-General's opinion, such action would be in the interest of the Agency, including in situations requiring the abolition of the post or reduction of the staff.

##### **Termination for unsatisfactory service**

- (d) The appointment of a staff member may be terminated for unsatisfactory service under conditions established by the Commissioner-General.

### **Termination for health reasons**

- (e) The appointment of a staff member who has not attained the mandatory age of separation established in the Staff Regulations and Staff Rules but whose physical or mental condition or extended illness renders him or her incapacitated for further service may be terminated after exhaustion of any sick leave entitlement.

### **RULE 9.7 Notice of Termination**

- (a) A staff member whose indefinite appointment is to be terminated shall be given not less than three months' written notice of such termination.
- (b) A staff member whose fixed-term appointment is to be terminated shall be given not less than 30 calendar days' written notice of such termination or such written notice as may otherwise be stipulated in his or her letter of appointment.
- (c) A staff member whose temporary appointment is to be terminated shall be given not less than 15 calendar days' written notice of such termination or such written notice as may otherwise be stipulated in his or her letter of appointment.
- (d) In lieu of the notice period, the Commissioner-General may authorize compensation equivalent to salary, applicable post adjustment and allowances corresponding to the relevant notice period at the rate in effect on the last day of service.
- (e) No termination notice or compensation in lieu thereof shall be given in case of summary dismissal.

### **RULE 9.8 Termination Indemnity**

- (a) Payment of termination indemnity under staff regulation 9.4 shall be calculated:
  - (i) For staff in the Professional and higher categories, on the basis of the staff member's gross salary less staff assessment according to the schedule of rates set forth in annex II of these Rules;
  - (ii) For staff in the General Service category in the Agency's area of operations, on the basis of the staff member's gross salary less staff assessment as specified in annex II of these Rules, plus language allowance, if any.
- (b) Length of service shall be deemed to comprise the total period of a staff member's full-time continuous service on fixed-term or indefinite appointment with the Agency, regardless of types of appointment. Continuity of such service shall not be considered as broken by periods of special leave. However, service credits shall not accrue during periods of special leave with partial pay or without pay of one full month or more. Accrual of service credits for periods of exceptional leave is governed by staff rule 5.4 (f).

- (c) Termination indemnity shall not be paid to any staff member who, upon separation from service, will receive a retirement benefit under Article 28 of the Regulations of the United Nations Joint Staff Pension Fund or compensation for total disability under staff rule 6.5.

**RULE 9.9**  
**Commutation of Accrued Annual Leave**

- (a) If, upon separation from service, a staff member has accrued annual leave, the staff member shall be paid a sum of money in commutation of the period of such accrued leave up to a maximum of 18 working days for staff holding a temporary appointment and up to a maximum of 60 working days holding a fixed-term or indefinite appointment. The payment shall be calculated:
- (i) For staff in the Professional and higher categories, on the basis of the staff member's net base salary plus post adjustment;
  - (ii) For staff in the General Service category in the Agency's area of operations, on the basis of net base salary plus post adjustment.
- (b) No payment in commutation of the period of accrued annual leave shall be made to a staff member who is terminated for misconduct under staff rule 10.2 (a) (ix) or summarily dismissed under staff rule 10.2 (a) (x) for sexual exploitation or sexual abuse in violation of staff rule 1.2 (e).

**RULE 9.10**  
**Restitution of Advance Annual and Sick Leave**

On separation, a staff member who has taken advance annual or sick leave beyond that which he or she has subsequently accrued, shall make restitution for such advance leave by means of a cash refund or an offset against monies due to the staff member from the Agency, equivalent to the remuneration received, including allowances and other payments, in respect of the advance leave period. The Commissioner-General may waive this requirement if in the opinion of the Commissioner-General there are exceptional and compelling reasons for so doing.

**RULE 9.11**  
**Last Day for Pay Purposes**

- (a) When a staff member is separated from service, the date on which entitlement to salary, allowances and benefits shall cease shall be determined according to the following provisions:
- (i) In the case of resignation, the date shall be either the date of expiration of the notice period under staff rule 9.2 or such other date as the Commissioner-General accepts. Staff members will be expected to perform their duties during the period of notice of resignation, except when the resignation takes effect upon the completion of maternity or paternity leave or following sick or special leave. Annual leave will be granted during the notice of resignation only for brief periods;

- (ii) In the case of abandonment of post, the date shall be the date of the decision by the Commissioner-General to separate the staff member or the expiry date specified in the letter of appointment, whichever is earlier;
- (iii) In the case of expiration of a temporary or fixed-term appointment, the date shall be the date specified in the letter of appointment;
- (iv) In the case of termination, the date shall be the date provided in the notice of termination;
- (v) In the case of retirement, the date shall be the date approved by the Commissioner-General for retirement;
- (vi) In the case of summary dismissal, the date shall be the date on which the staff member has been notified in writing of the decision to summarily dismiss him or her;
- (vii) In the case of death, the date on which entitlement to salary, allowances and benefits shall cease shall be the date of death, unless there is a surviving spouse or dependent child. In this event, the date shall be determined in accordance with the following schedule:

Completed years of service in the Agency (as defined in staff rule 9.8)	Months of salary
3 or less	3
4	4
5	5
6	6
7	7
8	8
9 or more	9

- (b) The months of salary referenced above may be made in a lump sum as soon as the pay accounts and related matters can be closed. Such payment shall be made only to the surviving spouse and dependent children. For staff in the Professional and higher categories, the payment shall be calculated on the basis of the staff member's gross salary less staff assessment according to the schedule of rates set forth in annex I of these Rules. For staff in the General Service category in the Agency's area of operations, the payment shall be calculated on the basis of the staff member's gross salary less staff assessment according to the schedule of rates set forth in annex I of these Rules, plus language allowance, if any. All other entitlements and accrual of benefits shall cease as of the date of death, except as provided by staff rule 3.9 (f) for payment of education grant when the staff member dies while in service after the beginning of a school year.
- (c) When an internationally recruited staff member has an entitlement to return travel under staff rule 7.1 (a) (vi), this shall not affect the determination of the last day for pay purposes in accordance with the provisions of paragraph (a) above. In the case of resignation, expiration of temporary or fixed-term appointment, termination or retirement, the staff member shall be paid, on separation, an additional amount for days of authorized travel

estimated on the basis of uninterrupted travel by an approved route, mode and standard of travel from the duty station to the place of entitlement to return travel. Such amount shall be calculated as is done for the commutation of accrued annual leave under staff rule 9.9 above.

### **RULE 9.12 Certification of Service**

Any staff member who so requests shall, upon leaving the service of the Agency, be given a statement relating to the nature of his or her duties and the length of his or her service. On the staff member's written request, the statement shall also refer to the quality of his or her work and his or her official conduct.

### **RULE 9.13 Repatriation Grant**

#### **Purpose**

- (a) The purpose of the repatriation grant provided by staff regulation 9.6 is to facilitate the relocation of expatriate staff members to a country other than the country of the last duty station, provided that they meet the conditions contained in annex III to these Rules.

#### **Definition**

- (b) Payment of repatriation grants under staff regulation 9.6 shall be subject to the following definitions:
  - (i) "Country of nationality" shall mean the country of nationality recognized by the Commissioner-General;
  - (ii) "Dependent child" shall mean a child recognized as dependent under staff rule 3.6(c) at the time of the staff member's separation from service;
  - (iii) "Home country" shall mean the country of home leave entitlement under staff rule 5.3 or such other country as the Commissioner-General may determine;
  - (iv) "Obligation to repatriate" shall mean the obligation to return a staff member and his or her spouse and dependent children, upon separation, at the expense of the Agency, to a place outside the country of his or her duty station;
  - (v) "Qualifying service" shall mean five years or more of continuous service and residence away from the home country and the country of nationality of a staff member, or the country where the staff member has acquired permanent resident status.

#### **Eligibility**

- (c) Staff members who are considered internationally recruited pursuant to staff rule 4.5 shall be eligible for payment of the repatriation grant in accordance with annex III to these Rules

provided that they meet the following conditions:

- (i) The Agency had the obligation to repatriate the staff member upon separation after qualifying service defined in subparagraph (b) (v) above;
- (ii) The staff member resided outside his or her home country and recognized country of nationality while serving at the last duty station;
- (iii) The staff member has not been summarily dismissed or separated from service on grounds of abandonment of post;
- (iv) The staff member has not been locally-recruited under staff rule 4.4;
- (v) The staff member does not have permanent resident status in the country of the duty station at the time of separation.

#### **Evidence of relocation**

- (d) Payment of the repatriation grant shall be subject to the provision by the former staff member of evidence of relocation away from the country of the last duty station. Evidence of relocation shall be constituted by documentary evidence that the former staff member has established residence in a country other than that of the last duty station.

#### **Amount and computation of the grant**

- (e) Payment of the repatriation grant shall be calculated:
  - (i) For staff in the Professional and higher categories, on the basis of the staff member's gross salary, less staff assessment according to the schedule of rates set forth in annex I of these Rules and in accordance with terms and conditions established by the Commissioner-General for determining the length of qualifying service for repatriation grant purposes.
  - (ii) For staff in the General Service category in the Area of Operations on the basis of the staff member's gross salary less staff assessment according to the schedule of rates set forth in annex I of these Rules, plus language allowance, if any, and in accordance with terms and conditions established by the Commissioner-General for determining the length of qualifying service for repatriation grant purposes.
- (f) Payment shall be at the rates specified in annex III of these Rules.
- (g) When a staff member receives a new appointment in the United Nations common system less than 12 months after separation, the amount of any payment for repatriation grant shall be adjusted so that the number of months, weeks or days of salary to be paid at the time of the separation after the new appointment, when added to the number of months, weeks or days paid for prior periods of service, does not exceed the total of months, weeks or days that would have been paid had the service been continuous.
- (h) Where both spouses are staff members and each is entitled, on separation, to payment of a repatriation grant, and taking into account staff rule 4.7(d), payment shall be made to each, at single rates, according to their respective entitlements. Where two staff members have recognized dependent children, the first parent to be separated may claim payment at the rate applicable to a staff member with a spouse or dependent child. In this event, the second parent, on separation, may claim payment at the single rate for the whole period of

qualifying service, or, if eligible, at the rate applicable to a staff member with a spouse or dependent child for the whole period of his or her qualifying service, from which shall normally be deducted the amount difference between the dependency rate and the single rate of the repatriation grant paid to the first parent.

- (i) Loss of entitlement to payment of return travel expenses under staff rule 7.3 shall not affect a staff member's eligibility for payment of the repatriation grant.
- (j) In the event of the death of an eligible staff member, no payment shall be made unless there is a surviving spouse or one or more dependent children whom the Agency is obligated to repatriate. If there is one such survivor, payment shall be made at the single rate; if there are two or more such survivors, payment shall be made at the rate applicable to a staff member with a spouse or dependent child.

**Time limitation for submission of the claim**

- (k) Entitlement to repatriation grant shall cease if no claim for payment of the grant has been submitted within two years after the effective date of separation. However, where both spouses are staff members and the spouse who separates first is entitled to repatriation grant, his or her entitlement to repatriation grant shall cease if no claim for payment of the grant has been submitted within two years after the date of separation of the other spouse.

## CHAPTER X

### DISCIPLINARY MEASURES

#### RULE 10.1

##### Misconduct

- (a) Failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the UNRWA International Staff Regulations and UNRWA International Staff Rules or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant may amount to misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures for misconduct.
- (b) Where the staff member's failure to comply with his or her obligations or to observe the standards of conduct expected of an international civil servant is determined by the Commissioner-General to constitute misconduct, such staff member may be required to reimburse UNRWA either partially or in full for any financial loss suffered by UNRWA as a result of his or her actions, if such actions are determined to be willful, reckless, or grossly negligent.
- (c) The decision to launch an investigation into allegations of misconduct shall be within the discretionary authority of the Commissioner-General. Such authority is delegated to Field Office Directors and HQ Department Directors.
- (d) The decision to impose a disciplinary measure shall be within the discretionary authority of the Commissioner-General. Except for the imposition of summary dismissal as a disciplinary measure, such authority is delegated to the Director of Human Resources in Headquarters and Field Office Directors in Field Offices. The authority to further define the conditions and procedures concerning the imposition of disciplinary measures is delegated to the Director of Human Resources.

#### RULE 10.2

##### Disciplinary Measures

- (a) Disciplinary measures under staff regulation 10.1 may take one or more of the following forms only:
  - (i) written censure;
  - (ii) loss of one or more steps in grade;
  - (iii) deferment, for a specified period, of eligibility for salary increment;
  - (iv) suspension without pay for a specified period;
  - (v) fine;
  - (vi) deferment, for a specified period, of eligibility for consideration for promotion;

- (vii) demotion with deferment, for a specified period, of eligibility for consideration for promotion;
- (viii) separation from service, with notice or compensation in lieu of notice, notwithstanding staff regulation 9.4, with termination indemnity;
- (ix) separation from service, also known as termination for misconduct, with notice or compensation in lieu of notice, notwithstanding staff regulation 9.4, and with a reduced or no termination indemnity pursuant to staff regulation 9.4;
- (x) summary dismissal.

**RULE 10.3**  
**Due Process in the Disciplinary Process**

- (a) The Commissioner-General may initiate the disciplinary process where the facts that have been established indicate that misconduct may have occurred. No disciplinary measure may be imposed on a staff member following the completion of an investigation unless he or she has been notified, in writing, of the formal allegations of misconduct against him or her and has been given the opportunity to respond to those formal allegations. The staff member shall also be informed of the right to seek the assistance of counsel in his or her defence through the Legal Office (Staff Assistance), or from outside counsel at his or her own expense.
- (b) Any disciplinary measure imposed on a staff member shall be proportionate to the nature and gravity of his or her misconduct.
- (c) A staff member against whom disciplinary or non-disciplinary measures, pursuant to staff rule 10.2, have been imposed following the completion of a disciplinary process may contest such decision in accordance with Chapter XI of these Rules.

**RULE 10.4**  
**Administrative Leave Pending Investigation**

- (a) A staff member may be placed on administrative leave, subject to conditions specified by the Commissioner-General, at any time after an allegation of misconduct and pending an investigation until the completion of the disciplinary process.
- (b) In determining whether to place a staff member on administrative leave pending an investigation, the Commissioner-General shall consider whether there is prima facie evidence in support of the allegation of misconduct and whether the staff member's continuance in the post or the duty station would be contrary to the interests of the Agency.
- (c) Such administrative leave shall be with full pay except (i) in cases in which there is probable cause that a staff member has engaged in sexual exploitation and sexual abuse, or (ii) when the Commissioner-General decides that exceptional circumstances exist which warrant the placement of a staff member on administrative leave with partial pay or without pay.

- (d) The decision to place a staff member on administrative leave pending an investigation shall be communicated to the staff member in writing.
- (e) Such administrative leave shall be without prejudice to the rights of the staff member and shall not constitute a disciplinary measure.
- (f) If such administrative leave is without pay and either the allegation of misconduct is subsequently not sustained or it is subsequently found that the conduct at issue does not warrant dismissal, any salary and entitlements withheld shall be restored without delay.
- (g) The decision to place a staff member on administrative leave pending investigation shall be within the discretionary authority of the Commissioner-General. Such authority is delegated to the Director of Human Resources for Headquarters staff, and Field Office Directors for Field staff.

## **CHAPTER XI**

### **APPEALS**

#### **RULE 11.1**

##### **Informal Resolution**

- (a) A staff member who considers that his or her contract of employment or terms of appointment have been violated is encouraged to attempt to have the matter resolved informally.
- (b) Both the staff member and the Commissioner-General may initiate informal resolution, including mediation, of the issues involved at any time before or after the staff member chooses to pursue the matter formally.
- (c) The conduct of informal resolution, including mediation, may result in the extension of the deadlines applicable to decision review and to the filing of an application with the UNRWA Dispute Tribunal, as specified in staff rules 11.2 (c) and (e) and article 8, paragraph 1 (d) (iv) of the Statute of the UNRWA Dispute Tribunal, set out in staff regulation 11.3.

#### **RULE 11.2**

##### **Decision Review**

- (a) A staff member wishing to formally contest an administrative decision alleging non-compliance with his or her terms of appointment or the contract of employment, including all pertinent regulations and rules and all relevant administrative issuances pursuant to staff regulation 11.1 (A), shall, as a first step, submit a written request for decision review:
  - (i) in the case of staff members of Headquarters, to the Director of Human Resources; and
  - (ii) in the case of staff members of Field Offices, to the UNRWA Field Office Director in charge of the Field Office.
- (b) A staff member wishing to formally contest an administrative decision to impose a disciplinary measure or non-disciplinary measure, pursuant to staff rule 10.2, following the completion of a disciplinary process, shall, as a first step, submit a written request for decision review:
  - (i) in the case of staff members of Headquarters, to the Director of Human Resources; and
  - (ii) in the case of staff members of Field Offices, to the UNRWA Field Office Director in charge of the Field Office.
- (c) A staff member shall submit a request for a decision review within 60 calendar days from the date on which the staff member received notification of the administrative decision to be contested.

- (d) The decision review shall be carried out by:
  - (i) in the case of staff members of Headquarters, or staff members of Field Offices where the contested administrative decision has been made by the Field Office Director, the Deputy Commissioner-General;
  - (ii) in the case of staff members of Field Offices where the contested administrative decision has not been made by the Field Office Director, the relevant Field Office Director, after consultation as appropriate with the Department of Human Resources.
- (e) The outcome of the decision review shall be communicated in writing to the staff member within 30 calendar days of receipt of the request for decision review. Unless the outcome is a reversal of the contested administrative decision, the staff member should be informed of the provisions under the Staff Regulations and Rules for appealing a contested administrative decision to the UNRWA Dispute Tribunal.
- (f) The deadlines in staff rule 11.2, paragraphs (c) and (e), may be extended by the Commissioner-General pending efforts for informal resolution.

**RULE 11.3**  
**Suspension of Action**

- (a) Neither the submission of a request for a decision review nor the filing of an application with the UNRWA Dispute Tribunal shall have the effect of suspending the implementation of the contested administrative decision.
- (b) However, where a staff member has requested decision review of an administrative decision involving separation from service, he or she may request the Commissioner-General to suspend the implementation of the decision until the decision review has been completed and the staff member has received notification of the outcome.

**RULE 11.4**  
**United Nations Appeals Tribunal**

- (a) In accordance with article 2, paragraph 10, of its statute, the United Nations Appeals Tribunal shall have jurisdiction over an appeal against a judgement of the UNRWA Dispute Tribunal alleging that the Dispute Tribunal has:
  - (i) Exceeded its jurisdiction or competence;
  - (ii) Failed to exercise jurisdiction vested in it;
  - (iii) Erred on a question of law;
  - (iv) Committed an error in procedure, such as to affect the decision of the case; or
  - (v) Erred on a question of fact, resulting in a manifestly unreasonable decision.

- (b) An appeal may be filed by either party against the judgement of the UNRWA Dispute Tribunal within 60 calendar days following receipt of the Dispute Tribunal's judgement. An appeal shall not be receivable by the United Nations Appeals Tribunal unless the deadline has been met or has been waived or suspended by the Appeals Tribunal.
- (c) The filing of an appeal with the United Nations Appeals Tribunal shall have the effect of suspending the execution of a judgement of the UNRWA Dispute Tribunal that is contested.
- (d) A staff member may obtain outside counsel at his or her expense in the presentation of his or her case before the United Nations Appeals Tribunal.

**RULE 11.5**  
**UNRWA Internal Justice Committee**

- (a) An UNRWA Internal Justice Committee is established to exercise the following functions:
  - (i) Review and make recommendations to the Commissioner-General on the implementation of the UNRWA system of administration of justice;
  - (ii) After liaising with the Department of Human Resources and Department of Legal Affairs on issues relating to the search for suitable candidates (including by conducting interviews as necessary), nominate two or three candidates for each vacancy for the position of judges for formal appointment by the Commissioner-General;
  - (iii) Draft, and review as necessary, the code of conduct for the judges, for consideration and approval by the Commissioner-General;
  - (iv) Decide whether a judge should be recused on grounds of conflict of interest; and
  - (v) Make recommendations to the Commissioner-General whether a judge should be removed on grounds of misconduct or incapacity.
- (b) The Committee shall comprise the following members:
  - (i) One area staff member selected biennially by the Inter-Staff Union Conference;
  - (ii) One international staff member elected biennially by ballot of the international staff;
  - (iii) Director of Human Resources;
  - (iv) The Legal Adviser;
  - (v) Three distinguished external jurists: one nominated by the persons referred to in subparagraphs b (i) and (ii), one nominated by the persons referred to in subparagraphs b (iii) and (iv), and the third chosen by consensus of the six other members of the Committee.
- (c) The Committee shall be chaired by one of the three external jurists referred to in subparagraph b (v) above, chosen by consensus of the members of the Committee.

- (d) The members of the Committee will exercise their functions in the interest of the proper administration of justice, and in accordance with such terms of reference as determined by the Commissioner-General.
- (e) The Committee may only make a decision with the agreement of at least five of its members including a majority of the three distinguished external jurist members.
- (f) The Committee shall determine its own rules of procedure.
- (g) A person referred to in subparagraph (b) (i) or (ii) above shall be eligible for re-selection or re-election and may be removed by consensus of the other members of the Committee.
- (h) Where a person referred to in subparagraph (b) (i) or (ii) above is unavailable to consider a matter, an alternate shall serve. Alternates shall be selected in the same manner and at the same time as the members and alternates who are available shall serve in the order in which they were selected or received votes in the relevant election.
- (i) In addition to such specific reviews as may be requested by the Commissioner-General, the Committee shall perform a general review of the UNRWA system of administration of justice at least once every 3 years.
- (j) The Committee shall report annually to the Commissioner-General. In their reports, the views of the judge(s) of the UNRWA Dispute Tribunal shall be separately reflected in an annex.

## **CHAPTER XII**

### **GENERAL PROVISIONS**

#### **RULE 12.1**

##### **Amendment of, and Exceptions to, Staff Rules**

- (a) These Rules may be amended by the Commissioner-General in a manner consistent with the Staff Regulations.
- (b) Exceptions to these Rules may be made by the Commissioner-General provided that such exception is not inconsistent with any staff regulation or any pertinent decision of the General Assembly of the United Nations, and provided further that it is agreed to by the staff member directly affected and is, in the opinion of the Commissioner-General, not prejudicial to the interests of any other staff member or group of staff members.

#### **RULE 12.2**

##### **Definition of Terms**

- (a) Throughout these Staff Rules the terms listed hereunder shall be defined as follows:
  - (i) "The Agency" shall mean the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
  - (ii) "The Commissioner-General" shall mean the Commissioner-General or Acting Commissioner-General of the Agency;
  - (iii) "The Agency's Area of Operations" shall mean the following countries or territories: Gaza; West Bank; Jordan; Lebanon; and the Syrian Arab Republic;
  - (iv) "Dollar" shall mean the United States dollar.

#### **RULE 12.3**

##### **Effective Date of Rules**

Except as otherwise indicated and subject always to the provisions of staff regulation 12.1, these Rules shall be effective on 1 January 2018.

## CHAPTER XIII

### TRANSITIONAL MEASURES

#### Rule 13.1 Transitional Measures

- (a) A staff member in service on 30 June 2016 and who was eligible for a repatriation grant under staff regulation 9.7 in effect on 30 June 2016, but is no longer eligible for such grant under the present Staff Rules, may be paid a repatriation grant in accordance with conditions set by the Commissioner-General.
- (b) A staff member in service on 30 June 2016 and who was eligible for mobility allowance under staff rule 103.13 (c) in effect on 30 June 2016, which is no longer payable under the present Staff Rules, may continue to receive such allowance in accordance with conditions set by the Commissioner-General.
- (c) A staff member in service on 30 June 2016 and who was eligible for non-removal allowance under staff rule 103.13 (b) and (e) in effect on 30 June 2016, which is no longer payable under the present Staff Rules, may continue to receive such allowance in accordance with conditions set by the Commissioner-General.
- (d) A staff member in service on 30 June 2016 and who was eligible for a second one-month lump-sum portion of the assignment grant under staff rule 107.19 (d) in effect on 30 June 2016, which is no longer payable under the present Staff Rules, may be paid such second one-month lump-sum amount in accordance with conditions set by the Commissioner-General.
- (e) Dependency allowances:
  - (i) A staff member in the Professional and higher categories or in the General Service category in the Agency's area of operations, who is not in receipt of the single parent allowance but is in receipt of the dependent rate of salary in respect of a first dependent child on 31 December 2016, shall be eligible for a transitional allowance in the amount of 6 per cent of net base salary plus post adjustment in respect of that child, effective 1 January 2017.
  - (ii) While in receipt of the transitional allowance, no concurrent payment of the dependent child allowance under staff regulation 3.4 (a) shall be paid in respect of that child, except where the child qualifies for a special dependency allowance for a disabled child under staff regulation 3.4 (a) (iv).
  - (iii) The amount of the transitional allowance shall be reduced by one percentage point every 12 months thereafter, until the amount of the transitional allowance is equal or less than the amount of the dependent child allowance provided for under staff regulation 3.4 (a), at which time the dependent child allowance shall be payable instead.

- (iv) The transitional allowance shall be discontinued earlier if the first dependent child in respect of whom the transitional allowance is payable is no longer recognized as a dependent child.
- (f) Salary scales:
- (i) The salary levels of staff members in the Professional and higher categories and in the General Service category in the Agency's area of operations that were higher than those at the maximum step of their grade upon conversion to the unified salary scale on 1 January 2017 shall be maintained as a pay protection measure, until such time as the staff member is promoted or separated from service.
  - (ii) Such salaries shall be adjusted for any consolidation of post adjustment to base salaries as approved by the General Assembly. Pensionable remuneration at those steps shall be maintained and shall be adjusted corresponding to those salaries when the pensionable remuneration scale is adjusted.

### **Annex I: Salary Scales and Related Provisions**

- (a) The Commissioner-General is authorized, on the basis of appropriate justification or reporting, to make additional payments to Agency officials in the Director category and above to compensate for such special costs as may be reasonably incurred, in the interests of the Agency, in the performance of duties assigned to them by the Commissioner-General.
- (b) The salary scales for staff members in the Professional and higher categories and General Service category in the Agency's area of operations shall be as shown in the present annex.
- (c) Subject to satisfactory service and the requirements of staff rule 3.3 (a), salary increments within the levels set forth in paragraph (b) of the present annex shall be awarded with the periodicity as indicated in the salary scale.
- (d) In order to preserve equivalent standards of living at different offices, the Commissioner-General may adjust the basic salaries set forth in paragraph (b) of the present annex by the application of non-pensionable post adjustments as determined by the International Civil Service Commission. Such post adjustments shall not be subject to staff assessment.

**Annex I (a): Salary scale for staff in the Professional and higher categories showing annual gross salaries and net equivalents after application of staff assessment (in United States Dollars) – Effective 1 January 2018**

Level		I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII
USG	Gross	194,329												
	Net	143,757												
ASG	Gross	176,292												
	Net	131,853												
D-2	Gross	140,984	144,059	147,133	150,223	153,488	156,750	160,011	163,273	166,535	169,795			
	Net	108,189	110,341	112,493	114,647	116,802	118,955	121,107	123,260	125,413	127,565			
D-1	Gross	126,150	128,851	131,554	134,257	136,951	139,654	142,356	145,053	147,757	150,483	153,347	156,209	159,074
	Net	97,805	99,696	101,588	103,480	105,366	107,258	109,149	111,037	112,930	114,819	116,709	118,598	120,489
P-5	Gross	108,633	110,930	113,230	115,524	117,824	120,119	122,420	124,716	127,013	129,310	131,609	133,903	136,203
	Net	85,543	87,151	88,761	90,367	91,977	93,583	95,194	96,801	98,409	100,017	101,626	103,232	104,842
P-4	Gross	89,253	91,295	93,337	95,379	97,421	99,462	101,636	103,853	106,069	108,284	110,506	112,717	114,936
	Net	71,332	72,884	74,436	75,988	77,540	79,091	80,645	82,197	83,748	85,299	86,854	88,402	89,955
P-3	Gross	73,225	75,114	77,005	78,893	80,784	82,674	84,563	86,457	88,345	90,234	92,128	94,016	95,908
	Net	59,151	60,587	62,024	63,459	64,896	66,332	67,768	69,207	70,642	72,078	73,517	74,952	76,390
P-2	Gross	56,542	58,233	59,922	61,612	63,304	64,996	66,688	68,375	70,067	71,757	73,446	75,139	76,828
	Net	46,472	47,757	49,041	50,325	51,611	52,897	54,183	55,465	56,751	58,035	59,319	60,606	61,889
P-1	Gross	43,792	45,106	46,419	47,734	49,046	50,395	51,829	53,264	54,699	56,134	57,568	59,001	60,437
	Net	36,347	37,438	38,528	39,619	40,708	41,800	42,890	43,981	45,071	46,162	47,252	48,341	49,432

Note: Shaded steps are granted biennially

Pay protection points for staff beyond the maximum salaries on the unified salary scale in US dollars - effective 1 January 2018

Level		PP1	PP2
P-4	Gross	117,154	119,373
	Net	91,508	93,061
P-3	Gross	97,796	99,686
	Net	77,825	79,261
P-2	Gross	78,520	N/A
	Net	63,175	
P-1	Gross	61,871	N/A
	Net	50,522	

Staff assessment to be used in conjunction with gross base salaries:

Assessable income (United States dollars)	Assessment rate (percentage)
First 50,000	17
Next 50,000	24
Next 50,000	30
Remaining assessable amount	34

**Annex I (b): Salary scale for staff in the General Service category in the Agency’s area of operations showing annual gross salaries and net equivalents after application of staff assessment (in United States Dollars) – Effective 1 January 2018**

Level		Steps												
		I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII
GS-8	Gross	88707	90863	93017	95161	97312	99462	101754	104084	106423	108757	111093	113431	115770
	Net	70917	72556	74193	75822	77457	79091	80728	82359	83996	85630	87265	88902	90539
GS-7	Gross	73713	75688	77671	79645	81620	83596	85576	87562	89534	91512	93492	95468	97443
	Net	59522	61023	62530	64030	65531	67033	68538	70047	71546	73049	74554	76056	77557
GS-6	Gross	63338	65022	66711	68395	70086	71774	73463	75149	76841	78528	80214	81904	83587
	Net	51637	52917	54200	55480	56765	58048	59332	60613	61899	63181	64463	65747	67026
GS-5	Gross	55451	56859	58259	59657	61059	62458	63857	65262	66661	68063	69464	70820	72266
	Net	45643	46713	47777	48839	49905	50968	52031	53099	54162	55228	56293	57323	58422
GS-4	Gross	48684	49781	50947	52137	53326	54522	55711	56903	58097	59280	60472	61666	62861
	Net	40408	41318	42220	43124	44028	44937	45840	46746	47654	48553	49459	50366	51274
GS-3	Gross	43254	44218	45184	46146	47111	48072	48995	50001	51055	52107	53158	54207	55257
	Net	35901	36701	37503	38301	39102	39900	40666	41501	42302	43101	43900	44697	45495
GS-2	Gross	38506	39354	40199	41046	41892	42745	43592	44435	45284	46130	46976	47820	48666
	Net	31960	32664	33365	34068	34770	35478	36181	36881	37586	38288	38990	39691	40393

**Note:** Shaded steps are granted biennially

Pay protection points for staff beyond the maximum salaries on the unified salary scale In US dollars - effective 1 January 2018

Level		PP1	PP2
GS-5	Gross	73,666	75,064
	Net	59,486	60,549
GS-4	Gross	64,050	65,239
	Net	52,178	53,082

Staff assessment to be used in conjunction with gross base salaries:	
Assessable income (United States dollars)	Assessment rate ( percentage)
First 50,000	17
Next 50,000	24
Next 50,000	30
Remaining assessable amount	34

### Annex II: Termination Indemnity

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 (d) below and in staff regulation 9.3, the termination indemnity shall be paid in accordance with the following schedule:

<i>Completed years of service</i>	<i>Months of gross salary, less staff assessment, where applicable</i>		
	<i>Temporary appointments exceeding six months</i>	<i>Fixed-term appointments</i>	<i>Indefinite appointments</i>
Less than 1 . . . . .	One week for each month of uncompleted service subject to a minimum of six weeks' and a maximum of three months' indemnity pay	One week for each month of uncompleted service subject to a minimum of six weeks' and a maximum of three months' indemnity pay	Not applicable
1 . . . . .			Not applicable
2 . . . . .			3
3 . . . . .			3
4 . . . . .			4
5 . . . . .			5
6 . . . . .		3	6
7 . . . . .		5	7
8 . . . . .		7	8
9 . . . . .	Not applicable	9	9
10 . . . . .		9.5	9.5
11 . . . . .		10	10
12 . . . . .		10.5	10.5
13 . . . . .		11	11
14 . . . . .		11.5	11.5
15 or more . . . . .		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 the present annex reduced by the amount of any disability benefit that the staff member may receive under the Regulations of the United Nations Joint Staff Pension Fund for the number of months to which the indemnity rate corresponds;
- (c) A staff member whose appointment is terminated for unsatisfactory service or who for disciplinary reasons is separated from service for misconduct other than by summary dismissal or separation from service with no termination indemnity, may be paid, at the discretion of the Commissioner-General, an indemnity not exceeding one half of the indemnity provided under paragraph (a) of the present annex;

- (d) No indemnity payments shall be made to:
- (i) A staff member who resigns, except where termination notice has been given and the termination date agreed upon;
  - (ii) A staff member who has a temporary or a fixed-term appointment that is completed on the expiration date specified in the letter of appointment;
  - (iii) A staff member who is summarily dismissed or separated from service with no termination indemnity;
  - (iv) A staff member who abandons his or her post;
  - (v) A staff member who is retired under the Regulations of the United Nations Joint Staff Pension Fund.

**Annex III: Repatriation Grant**

- (a) In principle, the repatriation grant shall be payable to staff members who have completed at least five years of qualifying service, whom the Agency is obligated to repatriate and who at the time of separation are residing, by virtue of their service with the Agency, outside their country of nationality. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed. Eligible staff members shall be entitled to a repatriation grant only upon relocation outside the country of the duty station. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Commissioner-General.

<i>Years of continuous service away from home country</i>	<i>Staff member with neither a spouse nor dependent child at time of separation</i>		
	<i>Staff member with a spouse or dependent child at time of separation</i>	<i>Professional and higher categories*</i>	<i>General Service category</i>
	Weeks of gross salary, less staff assessment, where applicable		
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 or more. ....	28	16	14

\*Also applicable to staff members in the General Service category in the Agency's area of operations.

**Annex IV: Pensionable Remuneration**

**Annex IV (a): Pensionable remuneration for staff in the Professional and higher categories (in United States Dollars) – Effective 1 February 2018**

Level	Steps												
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII
<b>USG</b>	311,276												
<b>ASG</b>	287,705												
<b>D-2</b>	233,802	239,233	244,671	250,109	255,540	260,976	266,410	271,845	277,278	282,711			
<b>D-1</b>	207,980	212,583	217,446	221,906	226,365	230,815	235,274	239,953	244,733	249,511	254,281	258,586	263,184
<b>P-5</b>	180,942	184,732	188,523	192,321	196,110	199,903	203,692	207,489	211,279	215,072	218,864	222,666	226,731
<b>P-4</b>	147,697	151,352	154,999	158,648	162,307	165,953	169,606	173,261	176,909	180,557	184,206	187,870	191,515
<b>P-3</b>	121,389	124,491	127,589	130,682	133,785	136,880	139,979	143,081	146,324	149,714	153,101	156,486	159,875
<b>P-2</b>	94,047	96,819	99,587	102,365	105,131	107,904	110,675	113,445	116,216	118,985	121,759	124,531	127,298
<b>P-1</b>	72,214	74,566	76,919	79,270	81,623	83,975	86,327	88,679	91,031	93,384	95,735	98,087	100,439

Pensionable remuneration for staff members subject to pay protection measures (in United States Dollars) – Effective 1 February 2018

Level	PP1	PP2
P-4	195,166	198,820
P-3	163,261	166,648
P-2	130,070	N/A
P-1	101,520	

**Annex IV (b): Pensionable remuneration for staff in the General Service category in the Agency’s area of operations  
(in United States Dollars) – Effective 1 February 2018**

Level	Steps												
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII
GS-8	146,885	150,744	154,604	158,457	162,316	165,953	170,039	173,894	177,753	181,611	185,470	189,333	193,188
GS-7	122,191	125,433	128,681	131,916	135,160	138,404	141,640	144,918	148,455	152,001	155,548	159,086	161,994
GS-6	105,189	107,948	110,717	113,484	116,253	119,014	121,784	124,548	127,319	130,085	132,851	135,614	138,382
GS-5	92,269	94,568	96,862	99,158	101,452	103,749	106,044	108,344	110,636	112,933	115,229	117,448	119,819
GS-4	80,972	82,930	84,883	86,836	88,782	90,739	92,694	94,641	96,597	98,538	100,493	102,446	104,405
GS-3	71,339	72,979	74,710	76,432	78,157	79,880	81,529	83,328	85,053	86,783	88,505	90,228	91,931
GS-2	63,500	64,900	66,298	67,690	69,085	70,490	71,889	73,371	74,888	76,399	77,690	79,113	80,536

Pensionable remuneration for staff members subject to pay protection measures  
(in United States Dollars) – Effective 1 February 2018

Level	PP1	PP2
GS-5	122,116	124,411
GS-4	106,352	108,309

### Annex V: Education Grant

Education grant entitlements applicable in cases where educational expenses are incurred in specified currencies and countries

#### Admissible expenses

- (i) Admissible expenses shall include tuition, tuition in the mother tongue and enrolment-related fees. Non-reimbursable capital assessment fees shall be reimbursed outside the education grant scheme, under conditions established by the Commissioner-General. Admissible expenses actually incurred shall be reimbursed at the rates indicated in the sliding scale below.

#### Education grant entitlements in effect as of the school year in progress on 1 January 2018

Claim amount bracket (United States Dollars)	Reimbursement Rate (Percentage)
0 - 11,600	86
11,601 - 17,400	81
17,401 - 23,200	76
23,201 - 29,000	71
29,001 - 34,800	66
34,801 - 40,600	61
40,601 and above	0

- (ii) In addition to the reimbursement of admissible expenses, a lump-sum amount of 5,000 United States dollars shall be paid to staff members serving in duty stations with a hardship classification of “A” to “E” whose child is boarding to attend school at the primary or secondary level outside the staff member’s duty station. In exceptional cases and at the discretion of the Commissioner-General, the lump-sum boarding assistance may be granted to a staff member at a headquarters duty station in respect of a child boarding to attend school at the primary and secondary levels outside the duty station.
- (iii) The lump-sum amount for boarding assistance shall also be payable to a staff member serving at a duty station with a hardship classification of “A” to “E” whose child is boarding to attend school at the primary or secondary level when the educational institution is located beyond commuting distance from the area where the staff member is serving and, in the opinion of the Commissioner-General, no school in that area would be suitable for the child.

#### Special education grant

- (iv) Under conditions established by the Commissioner-General, admissible expenses for a child with a disability shall include those educational expenses required to provide an educational programme designed to meet the needs of the child so that he or she may attain the highest level of functional ability. The amount of the grant for each child with a disability shall be 100 per cent of the admissible expenses actually incurred, subject to a maximum reimbursement equal to the upper limit of the top bracket of the sliding scale in paragraph (i) above.

- (v) When boarding is provided, the actual expenses shall be included in the calculation of the admissible expenses, subject to a maximum reimbursement equal to the upper limit of the top bracket of the sliding scale in paragraph (i) above plus the amount of 5,000 United States dollars, equivalent to the lump-sum for boarding assistance.

**Annex VI: Arrangements relating to Military Service**

- (a) In accordance with section 18 (c) of the Convention on Privileges and Immunities of the United Nations, staff members who are nationals of those Member States which have acceded to that Convention shall be “immune from national service obligations” in the armed services of the country of their nationality.
- (b) Any requests to Governments which have not acceded to the Convention to defer or exempt staff members from military service by reason of their employment with the Agency shall be made by the Commissioner-General and not by the staff member concerned.
- (c) Staff members who have completed one year of satisfactory service under a fixed-term appointment or who have an indefinite appointment may, if called by a Member Government for military service, whether for training or active duty, be placed on special leave without pay for the duration of their required military service. Other staff members, if called for military service, shall be separated from the Agency according to the terms of their appointments.
- (d) A staff member called for military service who is placed on special leave without pay shall have the terms of appointment maintained as they were on the last day of service before the staff member went on leave without pay. The staff member’s re-employment in the Agency shall be guaranteed, subject only to the normal rules governing necessary reductions in force or abolition of posts.
- (e) A staff member on special leave without pay for military service shall be required to advise the Commissioner-General within 90 days after release from military service if the staff member wishes to be restored to active duty with the Agency. The staff member shall also be required to submit a certificate of completion of military service.
- (f) If a staff member, after the period of required military service, elects to continue such service or if the staff member fails to obtain a certified release therefrom, the Commissioner-General will determine, on the merits of the particular case, whether further special leave without pay will be granted and whether re-employment rights shall be maintained.
- (g) If the staff member’s absence on special leave without pay appears likely to last six months or more, the Agency will pay, if so requested, for transporting the staff member’s spouse and dependent children to the staff member’s place of entitlement and for their return travel after the staff member’s return to active duty with the Agency, provided that the expenses involved will be counted as travel expenses related to the next home leave entitlement of the staff member.
- (h) The Agency shall not continue its contribution to the United Nations Joint Staff Pension Fund on behalf of the staff member during the staff member’s absence on special leave without pay for military service.
- (i) The provisions of staff rule 6.5 relating to death, injury or illness attributable to the performance of official duties on behalf of the Agency shall not be applicable during periods of military service.

- (j) The Commissioner-General may, if the circumstances of the military service appear to warrant it, credit the staff member's period on special leave without pay for military service in fixing the salary step upon the staff member's return to active duty with the Agency.
- (k) The Commissioner-General may apply such of the foregoing provisions as are appropriate in the case of a staff member who, with the advance approval of the Commissioner-General, volunteers for military service or requests a waiver of immunity under section 18 (c) of the Convention on Privileges and Immunities of the United Nations.

## **Annex VII: Rules governing compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the Agency**

### **Section I Scope and general provisions**

#### **Article 1.1 Purpose and scope**

The present rules provide for compensation for death, injury or illness attributable to the performance of official duties on behalf of the Agency, as set out below. Compensation shall be provided solely to staff members and their dependants, in accordance with the terms and conditions contained in the present rules.

#### **Article 1.2 Exclusiveness of remedy; non-assignment**

Compensation or other forms of recourse provided under the present rules constitutes the sole remedy for service-incurred death, injury or illness. The Agency will not accept, consider or provide compensation or benefits for service-incurred death, injury or illness except under the present rules. Except as set forth below, compensation and rights shall not be assignable to third parties.

#### **Article 1.3 Terminology**

The following terminology applies for the purposes of the present rules:

- (a) Claimant: the staff member or dependant, as defined below, bringing a claim under these rules.
- (b) Dependant: the spouse, dependent child, or secondary dependant as set forth in the Staff Rules. Compensation payable on the basis of or benefit payable to a dependent child or secondary dependent sibling ceases at the day the dependent child or secondary dependent sibling reaches the age of 18, or 21 if he or she is attending university or its equivalent full-time. This restriction does not apply where and as long as the dependent child or secondary dependent sibling has a disability that is permanent or for a period that is expected to be long-term that prevents gainful employment.
- (c) Minor: an individual under the age of 18, or the age of majority under the laws of the country of residence of such individual, if the age of majority in the individual's country of residency is less than 18 years of age.
- (d) Illness: a deterioration in health as confirmed by a physician authorized to practise medicine by a competent authority.
- (e) Injury: a physiological impairment as confirmed by a physician authorized to practise medicine by a competent authority.
- (f) Incident: an event causing the death, injury or illness underlying a claim.
- (g) Commute or commuting: travel by reasonable means of transportation and on a direct route, by time or distance, between place of work and residence. A direct route is deemed to commence upon departure from, or be terminated on arrival at, Agency premises or the

property line at the designated place of work or the property line of the staff member's place of residence, such residence including yards, lawns, driveways, garages, stairways, entrances, elevators, basements, hallways or common areas, without deliberate deviation from such route.

- (h) Reasonable means of transportation: a generally accepted means of transportation under the circumstances. Transportation by a particularly hazardous means is not considered a reasonable means of transportation for the purposes of the present rules.
- (i) Service-incurred death, injury or illness: a death, injury or illness where the death, injury or illness is directly attributable to the performance of official duties on behalf of the Agency under the terms and conditions set out in the present rules.
- (j) Pensionable remuneration: the definition of pensionable remuneration is set out in article 51 of the Regulations of the United Nations Joint Staff Pension Fund. If the staff member was not a participant in the Fund at the date of his or her death, injury or illness, remuneration shall be that which, had the staff member been a participant, would have been considered his or her pensionable remuneration at that date.
- (k) Last pensionable remuneration: the pensionable remuneration at the time of (i) the incident, in the case of permanent disfigurement or permanent loss of function; (ii) the separation from service, in the case of total disability; or (iii) the date of death, in the case of death. If the staff member was not a participant in the United Nations Joint Staff Pension Fund at the date of the staff member's death, injury or illness, the remuneration shall be that which, had the staff member been a participant, would have been considered his or her pensionable remuneration at that date.
- (l) United Nations Joint Staff Pension Fund benefits: the definition of Fund benefits is set out in article 3.7 below, on the relation to benefits under the United Nations Joint Staff Pension Fund.
- (m) Lump sum: a one-time payment of compensation.
- (n) Pre-existing medical condition: an illness, injury or impairment that exists prior to the incident resulting in the service-incurred death, injury or illness.
- (o) Total disability: incapacity for further work reasonably compatible with the claimant's abilities, in which such incapacity is due to a service-incurred injury or illness that is likely to be long-term or permanent. The resulting incapacity must have a significant adverse impact on the claimant's actual earnings, as determined by the Secretary-General under the Staff Rules. A determination of total disability under the Staff Rules shall be independent of a finding of disability under the Regulations of the United Nations Joint Staff Pension Fund.

#### **Article 1.4 Advisory Board on Compensation Claims**

- (a) The Advisory Board on Compensation Claims established under Appendix D to the Staff Rules of the United Nations shall make recommendations to the Commissioner-General on claims for compensation under these Rules.
- (b) The Board may adopt procedures as it considers necessary for discharging its functions under the present article, provided that, in cases of conflict, the present rules prevail.

- (c) Composition of the Board:
  - (i) Voting members:
    - a. Three representatives of the Administration appointed by the Secretary-General;
    - b. Three representatives of the staff appointed by the Secretary-General on the recommendation of the staff representative bodies;
  - (ii) Ex officio members:
    - a. Representatives from the Office of Legal Affairs and the Medical Services Division of the Secretariat may be appointed by the Secretary-General to serve as ex officio representatives. Representatives from the United Nations Joint Staff Pension Fund may be appointed by the Chief Executive Officer of the Fund to serve as ex officio representatives;
    - b. Such ex officio representatives shall serve in an advisory capacity to the Board to provide guidance to the Board with respect to the interpretation of the rules and issues relevant to their offices.

#### **Article 1.5 Secretary of the Advisory Board on Compensation Claims**

- (a) The Secretary of the Advisory Board on Compensation Claims shall be designated by the Secretary-General or other authorized official. The Secretary may not, at the same time, be a member of the Board.
- (b) The Secretary of the Board is responsible for preparing claims submitted under the present rules for consideration by the Board or the official with delegated authority to consider de minimis claims, as set forth in article 1.6 below. In discharging his or her functions and responsibilities under these rules, the Secretary will seek to obtain sufficient and relevant documentary evidence from appropriate sources.

#### **Article 1.6 De minimis claims**

If it is determined that: (a) The potential cumulative cost to the Agency of a claim is less than an amount determined by the Commissioner-General or officials with delegated authority; and (b) the claim is solely for reimbursement of medical expenses, funeral expenses, compensation for permanent disfigurement or loss of function, or granting of sick leave credit, the official with delegated authority to consider such de minimis claims may make determinations on the compensability of a claim, without the consideration of the Advisory Board on Compensation Claims. If the official with delegated authority to consider de minimis claims makes a determination on a claim, and the claim later exceeds the amount for de minimis claims, the claim shall be presented to the Board for new consideration.

#### **Article 1.7 Role of the Medical Services Division**

- (a) The Agency's Director of Health shall make a medical determination for consideration by the Advisory Board on Compensation Claims or the official with delegated authority to consider de minimis claims. Such a determination may include:
  - (i) Whether a death, injury or illness is directly causatively related to an incident;
  - (ii) Whether a death, injury or illness is directly causatively related to the

- (iii) performance of official duties;
  - (iii) Whether treatment or services are directly related to a service-incurred injury or illness;
  - (iv) Whether treatment or services are reasonably necessary for the treatment of such an injury or illness;
  - (v) Whether medical expenses are at a reasonable cost for the treatment or services provided;
  - (vi) Whether absence from work is directly related to a service-incurred injury or illness;
  - (vii) Whether a claimant has reached maximum medical improvement, in order to assess a permanent loss of function;
  - (viii) Permanent disfigurement or loss of function;
  - (ix) Total disability.
- (b) In accordance with staff rule 6.2 (g), a staff member may be required to undergo a medical examination by a medical practitioner designated by the Agency's Director of Health, with the cost to be borne by the Organization, in order to clarify findings or to further assess the claim in connection with any of the determinations made pursuant to the present article. A staff member may also be required to provide further information in connection with any of the determinations made pursuant to the present article.

**Article 1.8 General obligations of claimant**

- (a) The claimant must provide the evidence necessary to fully support a claim for compensation in accordance with these rules.
- (b) The claimant must fully and promptly comply with any request by the Agency in connection with a claim, or the recovery of payments from third parties pursuant to section IV of the present rules.
- (c) In accordance with article 3.8 below, the claimant must inform the Advisory Board on Compensation Claims of any compensation under governmental, institutional, industrial or other workers' compensation schemes or insurance for which the claimant may be eligible in connection with the death, injury or illness underlying a claim.
- (d) The claimant must inform the Secretary of the Board of any changes relevant to a claim, including any changes in medical condition.
- (e) The claimant shall provide, as requested, periodic attestation of continued eligibility to receive periodic compensation under the present rules.

**Article 1.9 Fraud, misrepresentation and omission of material fact**

- (a) If a claimant makes a submission or a claim that is fraudulent, contains a material misrepresentation or omits a material fact, all claims related to the incident by that claimant shall be denied, all compensation or benefits payable to the claimant in relation to the claim shall be terminated and all payments made in relation to the claim shall be subject to recovery.
- (b) When made by staff members, such claims may constitute misconduct under chapter X of the Staff Rules, and may result in disciplinary measures.

## **Section II Requirements and conditions for coverage**

### **Article 2.1 Procedural requirement for the filing of a claim**

#### **Notice**

- (a) As soon as practicable after the incident, a claimant should submit to the relevant human resources or administrative officer in writing the following information:
  - (i) The staff member's and claimant's name, addresses and staff identification number;
  - (ii) The date of death or of the onset or diagnosis of an injury or illness;
  - (iii) A description of the incident, including its date, time and location.

#### **Claim**

- (b) Within one year of the relevant date, as established below in article 2.1 (c), a claimant shall submit a signed Advisory Board on Compensation Claims claim form, together with the following information, as applicable:
  - (i) For claims involving injury or illness: a. a description of the injury or illness; b. a description of the relation of the injury or illness to the incident; c. a diagnosis; and d. a prognosis. Such information must be provided in writing by the staff member's physician. The claimant must also submit the results of all relevant medical tests;
  - (ii) For claims for reimbursement of medical expenses: a. a completed Advisory Board on Compensation Claims medical expense form; b. all related medical bills; and c. proof of payment of such bills.

All required forms and supporting documentation may be submitted through a national mail service provider, other international courier service or electronically by e-mail or by other designated tool and are deemed received only upon actual receipt.

#### **Effective dates**

- (c) The time limitations for submission of the above required forms and supporting documentation will be determined on the basis of the following:
  - (i) Injury or illness: the date of the incident shall be either the event or the period over which an exposure occurred. It shall be the date of the incident for cases where symptoms are apparent immediately or the date on which the staff member becomes aware, or reasonably should have been aware, of such injury or illness, whichever is earlier;
  - (ii) Death: the date of death shall be established by a duly issued certificate of death.
- (d) A determination on whether the claimant has complied with the time limitations for the filing of a claim, or other such procedural requirements, shall be made by the Board or the official with delegated authority to consider de minimis claims.

- (e) The deadline for the filing of a claim, including all necessary supporting documentation, may be waived on an exceptional basis by the Board or the official with delegated authority to consider de minimis claims, in consultation with the Agency's Director of Health, in cases in which the claimant demonstrates that the delay was the result of incapacity. If a waiver is made, the claim must be submitted within the deadlines set out in article 2.1 (b) above, as applicable, the time frame for which will begin from the date of the cessation of the incapacity.

## **Article 2.2 Eligibility for coverage**

- (a) To be eligible to receive compensation under the present rules, the death, injury or illness underlying a claim must be service-incurred, as assessed in accordance with article 2.2 (d) below.
- (b) The Advisory Board on Compensation Claims will assess whether the death, injury or illness is service-incurred and provide its recommendation on a claim to the Secretary-General. For de minimis claims, the official with delegated authority to consider de minimis claims will assess whether the death, injury or illness is service-incurred and take a decision on the claim on behalf of the Secretary-General.
- (c) Such an assessment will be based on the claimant's submissions, and, as appropriate, the recommendations of the Agency's Director of Health, technical advice from ex officio members of the Board and any other relevant documentary or other evidence.

### **Service-incurred death, injury or illness**

- (d) A death, injury or illness is service-incurred if it is directly attributable to the performance of official duties on behalf of the Agency, in that it occurred while engaged in activities and at a place required for the performance of official duties.
  - (i) Incidents on the Agency premises: if an incident occurs on Agency premises, the resulting injury, illness or death, may be service-incurred, unless at the time of the incident the staff member is engaged in an activity outside the scope of the staff member's official duties;
  - (ii) Incidents off the Agency premises: if an incident occurs away from the Agency premises, the resulting injury, illness or death may be service-incurred if such death, injury or illness would not have occurred but for the performance of official duties, and if the incident occurred in any of the following circumstances:
    - a. During duly authorized official travel, subject to article 2.3 (a) (iii) below;
    - b. In the course of the staff member's commute, as defined in article 1.3 above;
    - c. While the staff member is otherwise in transit by direct route or at a location required for the performance of official duties.
  - (iii) An incident that occurs during the following types of official travel may be service-incurred only in cases in which the incident occurs during travel between the departure location and the destination location, as set out in the applicable travel authorization and itinerary:

- a. Home leave travel;
  - b. Rest and recuperation travel;
  - c. Family visit travel;
  - d. Education grant travel in lieu of the child's travel;
  - e. Medical evacuation travel not related to a prior service-incurred injury or illness; or
  - f. Medical evacuation upon request by the staff member to his or her home country.
- (iv) Special hazards: a death, injury or illness may be service-incurred if a staff member is on official travel or assigned to an area involving special hazards, as documented and addressed by authorized United Nations security and safety officials and the underlying incident occurred as a direct result of such hazards.

#### **Aggravation of a pre-existing medical condition**

- (e) Claims based, in whole or in part, upon any aggravation of a pre-existing medical condition shall not be compensated unless such aggravation is service-incurred, and such compensation shall be solely for the proportion of the injury or illness deemed service-incurred.

#### **Article 2.3 Excluded claims**

- (a) Claims shall not be compensable under the present rules if compensation is expressly excluded under conditions established by the Commissioner-General, or where the death, injury or illness is the direct result of any of, but not limited to, the following:
- (i) Misconduct, recklessness or gross negligence by the staff member, including, but not limited to, an act or omission with the intent to cause harm or death to himself or herself or others;
  - (ii) Disregard by the staff member of security instructions provided or made reasonably accessible to the staff member;
  - (iii) Failure by the staff member to use appropriate safety devices or medical prophylaxis provided by the United Nations, unless and only to the extent that the death, injury or illness would have happened even with the use of such device or prophylaxis;
  - (iv) Physical confrontation or other violence by the staff member, unless reasonably required by the circumstances or as part of the staff member's official duties;
  - (v) Medical condition or other factors unrelated to the performance of official duties of the staff member, including, without limitation, pre-existing medical conditions, as defined in article 1.3;

#### **Wear and tear to medical devices**

- (b) Ordinary wear and tear to medical devices, such as prosthetics and hearing aids, are not compensable, unless such device was granted in connection with a previously approved claim.

### **Section III Compensation**

In the event of a service-incurred death, injury or illness, the claimant will be awarded compensation as provided below, without payment of interest thereon. All such compensation, including adjustments thereto, shall be payable solely in United States dollars.

#### **Article 3.1 Injury or illness**

In the event of a service-incurred injury or illness, the following provisions shall apply:

##### **Expenses**

- (a) The Agency shall pay all medical expenses which are found by the Agency's Director of Health to be:
  - (i) Directly related to a service-incurred injury or illness;
  - (ii) Reasonably medically necessary for the treatment or services provided; and
  - (iii) At a reasonable cost for the treatment or services provided.

##### **Sick leave**

- (b) Initial authorized absences in connection with a service-incurred injury or illness shall be charged to the staff member's sick leave entitlement under staff rule 6.3 until such entitlement is exhausted or the staff member returns to active duty. Subject to meeting all requirements, article 3.9 may apply.

#### **Article 3.2 Total disability**

In the event of total disability, upon the exhaustion of the sick leave entitlements pursuant to article 3.1 (b) above and upon the cessation of salary and allowances payable under the applicable Staff Regulations and Rules, the staff member shall receive annual compensation equivalent to 66.66 per cent of his or her last pensionable remuneration or, if the staff member has a dependent child, 75 per cent of the last pensionable remuneration. Such compensation shall be payable at periodic intervals for the duration of the disability and in addition to compensation payable under article 3.1 (a), as applicable.

#### **Article 3.3 Death**

In the event of the service-incurred death of a staff member, the following provisions shall apply:

##### **Funeral costs**

- (a) The Agency shall pay a reasonable amount for the preparation of the remains and for funeral expenses, but no more than three times the monthly G-2, step I, pensionable remuneration applicable at the time of death for the country where the funeral takes place, or, where there is no pensionable remuneration scale for the country where the funeral takes place, the pensionable remuneration scale for Headquarters in New York.

### **Expenses**

- (b) The Agency shall pay medical expenses incurred prior to the date and time of a death which is found by the Agency's Director of Health to be:
  - (i) Directly related to a service-incurred injury or illness;
  - (ii) Reasonably medically necessary for the treatment or services provided; and
  - (iii) At a reasonable cost for the treatment or services provided.

### **Travel and repatriation costs**

- (c) Expenses for the travel of an eligible family member to attend the funeral or for an eligible family member or other designated individual to accompany the remains of a deceased staff member as well as the costs for the repatriation of the remains shall be borne under conditions established by the Commissioner-General.

## **Article 3.4 Survivor dependants**

### **Maximum compensation**

- (a) In the event of a service-incurred death of a staff member, the Agency shall pay the compensation provided below to the staff member's spouse or other eligible dependant(s), provided that the total annual compensation payable shall not exceed 75 per cent of the last pensionable remuneration of the deceased staff member.

### **Spouse**

- (b) A spouse shall receive annual compensation payments, payable at periodic intervals, equal to 50 per cent of the deceased staff member's last pensionable remuneration. In the event of multiple spouses, such compensation shall be divided equally among the spouses. Upon the death of a spouse, his or her share shall be divided among any remaining spouses.

### **Dependent child**

- (c)
  - (i) Each dependent child shall receive annual compensation, payable at periodic intervals in accordance with article 3.5 below, equal to 12.5 per cent of the deceased staff member's last pensionable remuneration. If there are two or more dependent children, the compensation payable shall not exceed the maximum set out in article 3.4 (a) and shall be divided equally among such dependent children.
  - (ii) If there is no surviving spouse, then in lieu of the compensation provided under article 3.4 (c) (i), a dependent child shall receive annual compensation, payable at periodic intervals and in accordance with article 3.5, equivalent to the amount provided under article 3.4 (b) for one dependent child in addition to an annual compensation, payable at periodic intervals and in accordance with article 3.5, equal to the amount provided under article 3.4 (c) (i) for all additional dependent children. Such compensation shall be divided equally among such dependent children.

### **Secondary dependants**

- (d) If there is neither a spouse nor a dependent child and there is a secondary dependant, the

following compensation shall be paid:

- (i) To a dependent parent, annual compensation, payable at periodic intervals, equivalent to 50 per cent of the staff member's last pensionable remuneration;
- (ii) To a dependent sibling, annual compensation, payable at periodic intervals and in accordance with article 3.5 below, equal to 12.5 per cent of the staff member's last pensionable remuneration.

### **Article 3.5 Payments to minors**

Payment of any compensation under the present rules to a minor shall be made to the minor's parent or legal guardian. All such compensation must be used in its entirety for the sole benefit of the minor.

### **Article 3.6 Permanent disfigurement or loss of function**

- (a) In the case of a service incurred injury or illness resulting in permanent disfigurement or loss of function, a lump sum shall be paid to the staff member in the amount obtained by multiplying three times the staff member's pensionable remuneration at the time of the incident by the percentage of the degree of loss of function attributable to the service-incurred injury or illness pursuant to guidelines approved by the Agency's Director of Health for such a determination.
- (b) Regardless of duty station, the staff member's pensionable remuneration utilized in the immediately preceding calculation may not exceed the pensionable remuneration of a P-4, step VI, and may not be less than the pensionable remuneration of a G-2, step I, at Headquarters in New York applicable at the time of the incident:
  - (i) In the event that the staff member's pensionable remuneration exceeds the pensionable remuneration of a P-4, step VI, the pensionable remuneration utilized in the immediately preceding calculation shall be that of a P-4, step VI;
  - (ii) In the event that the staff member's pensionable remuneration is less than the pensionable remuneration of a G-2, step I, at Headquarters in New York, the pensionable remuneration utilized in the immediately preceding calculation shall be that of a G-2, step I, at Headquarters in New York.

### **Article 3.7 Relation to benefits under the United Nations Joint Staff Pension Fund**

Compensation awarded pursuant to the provisions set out below is intended to supplement the benefits under the Regulations of the United Nations Joint Staff Pension Fund in accordance with the following provisions:

- (a) Any compensation otherwise payable under articles 3.2 or 3.4 above shall be reduced by the amount of the claimant's disability benefit or a survivor's benefit under the Regulations of the United Nations Joint Staff Pension Fund. Deductions made under the present rules shall in no case have the effect of reducing the compensation otherwise payable to less than 10 per cent thereof, provided in all cases that the total annual amount payable both under the present rules and under the Regulations of the Fund shall in no event exceed 75 per cent of the staff member's last pensionable remuneration.
- (b) The sum of (i) benefits under the Fund and (ii) compensation payable under articles 3.2

and 3.4 above, after being adjusted under the present rules, shall in no event exceed 75 per cent of the staff member's last pensionable remuneration.

- (c) When benefits under the Fund are adjusted for variations in cost of living, compensation payable under articles 3.2 and 3.4 above shall be correspondingly adjusted.

### **Article 3.8 Relation to non-United Nations compensation**

- (a) In determining the amount of compensation payable under the present rules, the amount of any compensation or benefits under governmental, institutional, industrial or other workers' compensation schemes, but not personal insurance, for which claimants qualify shall be deducted from any amounts payable hereunder.
- (b) The claimant shall not be entitled to compensation or receive reimbursement under the present rules for medical expenses related to a service-incurred death, injury or illness if such expenses:
  - (i) Have already been compensated or are compensable under such governmental, institutional, industrial or other workers' compensation schemes; or
  - (ii) Have been reimbursed by health or medical insurance.
- (c) The claimant shall inform the Advisory Board on Compensation Claims without delay of any compensation under governmental, institutional, industrial or other workers' compensation schemes or insurance for which the claimant may be eligible in connection with the death, injury or illness underlying a claim.

### **Article 3.9 Relation to other benefits under the Staff Rules**

#### **Special leave**

- (a) Once a staff member's sick leave entitlement has been exhausted pursuant to article 3.1 (b), and if such staff member has not separated from the United Nations, the staff member may be placed on special leave pursuant to staff rule 5.2.

#### **Sick leave credit**

- (b) Sick leave credit, which is a grant of some or all of the sick leave entitlement which has been used for a service-incurred injury or illness, may be granted in the following cases:
  - (i) To maintain the full pay status of a staff member when sick leave is approved by the Agency's Director of Health for an injury or illness which is not service-incurred and when the claimant has insufficient sick leave for such non-service-incurred injury or illness due to a prior use of sick leave for a separate injury or illness, which was recognized under the present rules as service-incurred. Such a grant is limited to the maximum extent of the prior sick leave used for the separate service-incurred injury or illness. No credit will be granted for any sick leave already revived under the time frames of staff rule 6.3 (b);
  - (ii) To maintain the full pay status of a staff member being considered for a disability benefit pursuant to article 33 (a) of the Regulations of the United Nations Joint Staff Pension Fund, who has exhausted his or her sick leave entitlement. A

determination as to whether a claimant should be considered for such a benefit shall be made in consultation with the Agency's Director of Health pursuant to the established procedures of the United Nations and the Regulations of the United Nations Joint Staff Pension Fund. Such sick leave credit may be granted solely to maintain full pay status until the date of termination of the staff member's appointment or other separation from service pursuant to article 33 (a) of the Regulations of the United Nations Joint Staff Pension Fund, unless other arrangements apply during that period under conditions established by the Secretary-General.

### **Home travel**

- (c) A staff member who is unable to work for a period of at least six months due to a service-incurred injury or illness, and for whom the Agency's Director of Health has so certified, may request consideration for a special travel allowance for travel of the staff member and eligible dependents to the place of entitlement, pursuant to chapter VII of the Staff Rules, and for their return travel when the staff member returns to duty. If such travel is commenced or terminated within 12 months of the staff member's eligibility for home leave entitlement pursuant to staff rule 5.3 and chapter VII of the Staff Rules, such special travel allowance shall be deemed to be in lieu of the staff member's home leave entitlement. If the staff member does not return to duty, such special travel allowance shall be deemed to be in lieu of travel on separation pursuant to chapter VII of the Staff Rules.

## **Section IV Recoveries**

### **Article 4.1 Claims against third parties**

#### **Notice**

- (a) All persons who submit a request for compensation for a service-incurred death, injury or illness under the present rules must notify the Commissioner-General in writing at the earliest possible time of any claims, demands or rights that they have pursued, that they are pursuing or that they intend in the future to pursue against any third party or parties in connection with such service-incurred death, injury or illness.

#### **Assignment of rights**

- (b) If, in the opinion of the Commissioner-General, a claimant has a claim, demand, or right against a third party or parties, including a third party insurance carrier, for damages or other payment(s) in connection with a service-incurred death, injury or illness, the Commissioner-General may, as a condition for granting any compensation to the claimant, require the claimant to assign such claim, demand or right to the United Nations so that the United Nations may pursue or enforce the claim, demand or right in the place of the claimant.

### **Assistance in pursuing or enforcing claims, demands or rights**

- (c) Where the Agency has decided to pursue a claim, demand or right against a third party or parties pursuant to subparagraph (b) above, the claimant shall provide to the Agency all assistance and cooperation that is necessary for pursuing or enforcing the claim, demand or right, including participating in any suit or proceedings.

### **Settlement**

- (d) The Agency is entitled to settle any claim, demand or right against a third party or parties pursuant to subparagraph (b) above on such terms and conditions as it determines to be reasonable. A claimant, who has assigned a claim, demand or right under subparagraph (b), shall provide the Agency all assistance as may be required to reach a settlement, including, but not limited to, participating in any settlement negotiations and executing all settlement-related documents. The claimant shall not, under any circumstances, settle any claim, demand or action with any third party or parties without the express written consent of the Agency.

### **Proceeds**

- (e) Where compensation or proceeds have been received from a third party or parties as a result of a suit, proceedings or a settlement reached pursuant to subparagraphs (b)-(d) above, such compensation or proceeds shall be applied:
  - (i) First, to pay in full the costs of the suit, proceedings or settlement, including reasonable attorney fees;
  - (ii) Second, to reimburse the Agency for any compensation provided to the claimant pursuant to these rules; and
  - (iii) Third, to pay the remaining amounts to the claimant.

### **Future claims**

- (f) Any amount of compensation that a claimant may be entitled to receive in the future pursuant to the present rules shall be first used to offset any monies received by the claimant under subparagraph (e) (iii) above.

## **Article 4.2 Recovery of overpayments**

- (a) If the Agency has paid a claimant in excess of any compensation payable under the present rules, the Agency will notify the claimant of the amount of overpayment and request reimbursement.
- (b) If immediate reimbursement in full is not feasible, any future periodic payments of compensation payable to the claimant under the present rules shall be reduced by 20 per cent until the overpayment has been reimbursed in full. If immediate reimbursement in full of any lump-sum payment made under the present rules is not feasible, the Commissioner-General will seek recovery by means including, but not limited to, the reduction of any future lump sum payments of compensation payable to the claimant under the present rules by the entire amount of the overpayment.

## **Section V Reconsideration, review and appeal**

### **Article 5.1 Reconsideration of medical determinations**

Claimants wishing to contest a decision taken on a claim under the present rules, when that decision is based upon a medical determination by the Agency's Director of Health, shall submit a request for reconsideration of the medical determination under conditions, and by a technical body, established by the Commissioner-General.

### **Article 5.2 Review and appeal of administrative decisions**

Claimants wishing to contest a decision taken on a claim under the present rules, to the extent that the decision was based on considerations other than a medical determination, shall submit to the Commissioner-General a written request for decision review in accordance with staff rule 11.2.

### **Article 5.3 Reopening of claims**

Upon a written request by a claimant, or at the initiative of the Commissioner-General, a claim made under the present rules may be reopened when one or more of the following criteria are met:

- (a) The discovery of new material evidence, if such new material evidence may materially affect:
  - (i) A determination as to whether a death, injury or illness was service-incurred; or
  - (ii) A relevant medical determination;
- (b) A worsening or improvement in the condition of the staff member, where such worsening or improvement is directly related to the service-incurred injury or illness, and which may entitle the staff member to additional compensation, or warrant the reduction or elimination of compensation;
- (c) A material mistake was made by the Agency in the processing of a claim that impacted its disposition.

When a claim is reopened subject to the provisions above, any such claim shall be considered in accordance with the present rules. The Commissioner-General and the claimant shall be bound by determinations previously made, unless new material evidence or material mistake undermines or otherwise calls into question in substantial part those determinations.

## **Section VI Transitional measures**

### **Article 6.1 Transitional measures**

- (a) For claims filed for incidents occurring after the entry into force of the present revised rules, such revised rules will be applied.

- (b) For claims filed for incidents that occurred prior to the entry into force of the present revised rules, the previously applicable rules will be applied, except that annual compensation for widows or widowers under the former article 10.2 will continue to be payable provided that the widow or widower has not remarried prior to the entry into force of the present revised rules.





human resources department  
hq amman  
bayader wadi seer, po box 140157, amman 11814, jordan

telephone: (+ 962 6) 582 6171-6, 586 2751, 586 4149  
email: [hr.policysupport@unrwa.org](mailto:hr.policysupport@unrwa.org)  
[www.unrwa.org](http://www.unrwa.org)