



Union pour la Méditerranée  
Union for the Mediterranean  
الإتحاد من أجل المتوسط

# SECRETARIAT OF THE UNION FOR THE MEDITERRANEAN (UfMS)



## IMPLEMENTING RULES OF THE STAFF REGULATIONS OF THE SECRETARIAT

*PROJECTS FOR PROGRESS*



## **IMPLEMENTING RULES OF THE STAFF REGULATIONS OF THE SECRETARIAT**

### **RULE I – GENERAL PROVISIONS**

#### **Section 1. Short Title and Purpose**

These Implementing Rules, hereinafter called the IR, are promulgated pursuant to Article 36 of the Secretariat Staff Regulations, otherwise known as the "Staff Regulations," for the purpose of prescribing the necessary rules and procedures for the implementation, enforcement and execution of the Staff Regulations.

#### **Section 2. Advisory Board**

An Advisory Board shall be established and shall be available to advise the Secretariat on:

- (a) the Secretariat's policies;
- (b) general questions of staff administration and welfare;
- (c) amendment of the Staff Regulations, IR and Administrative circulars;
- (d) the appointment, promotion and reward of staff members;
- (e) the review of proposals for the termination of contracts;
- (f) disciplinary matters; and,
- (g) claims.

The Advisory Board shall be composed of five members: three members designated by the Secretary General, one of them preferably with a legal background, and two members designated by the Staff Representative Body. Participation in the work of the Advisory Board shall be considered as part of official duties. Staff members required to participate in the work of the Advisory Board shall be released to the extent necessary from their normal duties.

The Advisory Board shall determine its own rules of procedure and shall elect its own chairperson and alternate chairperson.

The agenda of the Advisory Board shall consist of items requested by the Director of Legal and Administration Department or by the Staff Representative Body.

### **RULE II – CATEGORIES OF STAFF**

#### **Section 1. Employment**

Staff members shall be granted one of the following types of temporary contracts: short-term appointments or fixed-term appointments.

- (a) Short-term appointments
  - (i) A short-term appointment may be granted where the total period of service is expected to be less than one year.
  - (ii) A short-term appointment does not carry any expectation of renewal of appointment or of conversion to any other type of appointment.
  - (iii) Short-term appointments shall be granted on the terms and conditions



determined by the Secretary-General on an exceptional basis.

(b) Fixed-term appointments

- (i) A fixed-term appointment, having an expiration date specified in the letter of appointment, may be granted for such period or periods as the Secretary-General determines in the light of the provisions of section 2 below.
- (ii) A fixed-term appointment does not carry any expectation of renewal or of conversion to any other type of appointment.

### **Section 2. Maximum length**

The total length of service of Secretariat staff members shall be six (6) years unless otherwise specified below:

- (a) The initial contract period per fixed term appointments will be of three (3) years. Contract extensions of another up to three years' period are possible; however, contracts, including extensions, carry no expectation of renewal or re-employment.

Contract extensions will become progressively more difficult, and shall be assessed upon, inter alia, the staff member's performance measured in accordance with a rigorous performance appraisal system. Any contract extension will be based on a continuing need on the part of the Secretariat for the specific skills and knowledge of the staff member and the positive appraisal of the Advisory Board.

- (b) As transitional measure, staff members - who on 31 December 2017 had a permanent contract - are entitled to the conversion into a regular contract (with no expiration date), subject to new conditions, or to a bonified termination indemnity of one and a half times (1.5) the amount of the indemnity payment referred in Rule VIII below.

### **Section 3. Filling of vacancies**

Senior Officials shall be informed of the vacancies at the Secretariat in order to be able to submit candidacies for the filling of these vacancies, first and foremost by seconded officials.

In case of vacant posts, the Secretary General shall be entitled to fill the vacant posts by means of contracted staff on the basis of competitions. The fullest regard shall be made, in filling vacancies, to the requisite qualifications and expertise of persons already in the service of the Secretariat.

Notwithstanding the preceding provision, a procedure other than the competition procedure may be adopted by the Secretary-General, in exceptional cases, for short-term appointments on the basis of a selection made over the External Experts database or over the reserve list resulted from fixed-term selection procedures.

### **Section 4. Classification of posts**

Upon proposal of the Secretary General, a catalogue of posts, including a detailed organizational structure with jobs profiles, will be submitted for approval to the



Senior Officials and regularly updated for this purpose. The catalogue of posts shall be presented at least when adopting each Annual Budget and Work Programme of the Secretariat.

The Secretary General shall make appropriate provisions for the possible coverage by contracted staff of relevant posts according to the approved catalogue of posts.

### **Section 5. Expiration of appointments**

All appointments shall expire automatically and without prior notice on the expiration date specified in the corresponding secondment convention/contract.

Separation from service as a result of the expiration of an appointment shall not be regarded as a termination within the meaning of the Staff Regulations and IR.

## **RULE III – DISCIPLINARY PROCEDURES**

### **Section 1. Applicability**

Except for the statutory positions, the Secretary General may impose disciplinary measures on staff members whose conduct is unsatisfactory. The decision to launch an investigation into allegations of misconduct, to institute a disciplinary process and to impose a disciplinary measure shall be within the discretionary authority of the Secretary General, after exhausting any alternative solution.

### **Section 2. Misconduct**

Any failure by a staff member to comply with his/her obligations under his/her secondment convention/contract, the Staff Regulations or other relevant administrative issuances, or to observe the standards of conduct required, as prescribed in the Code of Conduct and the Anti-Fraud and Anti-Corruption Policy of the Secretariat, whether intentionally or through negligence on his/her part, may amount to misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures for misconduct. Sexual exploitation and sexual abuse, constitute serious misconduct.

Failure to observe the standards of conduct required shall mean:

- (a) failure to observe relevant provisions of the Staff Regulations and/or the Code of Conduct and the Anti-Fraud and Anti-Corruption Policy and/or the Internal Procedures;
- (b) misconduct by a staff member in his/her official capacity;
- (c) neglect of duty;
- (d) exposing the Secretariat to a financial burden through unauthorised actions.

Where the staff member's failure to comply with his/her obligations or to observe the standards of conduct expected is determined by the Secretary General to constitute misconduct, such staff member may be required to reimburse the Secretariat either partially or in full for any financial loss suffered by the Secretariat as a result of his or her actions, if such actions are determined to be wilful, reckless or grossly negligent.



For seconded officials, secondment conventions shall contain specific procedures for the implementation of disciplinary measures including sanctions, appeals and rights.

### **Section 3. Disciplinary measures**

Disciplinary measures may be instituted against a staff member who engages in misconduct. Disciplinary measures may take one or more of the following forms only:

- (a) Verbal warning;
- (b) Written warning;
- (c) Written or oral reprimand;
- (d) Withholding of salary increment/s for a specified period;
- (e) Discharge / Suspension without pay for a specified period; and,
- (f) Summary dismissal.

### **Section 4. Due process in the disciplinary process**

The Secretary General may initiate the disciplinary process where the findings of an investigation indicate that misconduct may have occurred. In such cases, no disciplinary measure or non-disciplinary measure, except as provided above, may be imposed on a staff member following the completion of an investigation unless he/she has been notified, in writing, of the charges against him/her, and has been given the opportunity to respond to those charges. The staff member shall also be informed of the right to seek the assistance of counsel in his/her defence through the Staff Representative Body, or from outside counsel at his/her own expense.

Any disciplinary measure imposed on a staff member shall be proportionate to the nature and gravity of his/her misconduct.

### **Section 5. Administrative leave pending investigation and disciplinary process**

Any staff member may be placed on administrative leave, subject to conditions specified by the Secretary General, at any time pending an investigation until the completion of the disciplinary process.

A staff member placed on administrative leave pursuant to the above paragraph shall be given a written statement of the reason(s) for such leave and its probable duration, which, so far as practicable, should not exceed three months, and he/she will have to be at the disposal of the Secretary General on short-notice.

Administrative leave shall be with full pay unless, in exceptional circumstances, the Secretary General decides that administrative leave without or part of pay is warranted.

Placement on administrative leave shall be without prejudice to the rights of the staff member and shall not constitute a disciplinary measure. If administrative leave is without or part of pay and either the allegations of misconduct are subsequently not sustained or it is subsequently found that the conduct at issue does not warrant dismissal, any pay withheld shall be restored without delay.



A staff member who has been placed on administrative leave may challenge the decision to place him/her on such leave in accordance with Rule IV.

## **RULE IV – CLAIMS**

### **Section 1. Applicability**

Any staff member or, *mutatis mutandi*, the Staff Representative Body may submit a claim regarding problems arising from the implementation of Staff Regulations or an act adversely affecting him/her to the Secretary General within one (1) month since when the dispute, controversy or claim relating to the employment contract or its breach, termination or invalidity arose.

### **Section 2. Procedure**

Both the staff member and the Secretary 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.

Should the staff member pursue the matter formally, the claim shall be submitted in writing by the staff member to the Secretary General, through the Line Manager, except where it concerns that superior, in which case it may be submitted directly to the Secretary General. In cases where the claim is submitted through the Line Manager, this has to be forwarded to the Secretary General within 48 hours of its receipt.

### **Section 3. Decision**

The Secretary General shall notify the staff member of his/her reasoned decision, after seeking the advice of the Advisory Board, within one (1) month of the date on which the claim was lodged unless new facts have emerged which were unknown at the time of the initial claim and are likely to have a bearing on the final decision. In such cases, the one-month period may be extended once, for another period of up to one month.

## **RULE V –SETTLEMENT OF DISPUTES**

### **Section 1- Statutory members**

For the statutory positions, the Senior Officials shall be responsible for discussing any dispute between the Secretary General and the Deputy Secretaries General arising in relation to the functioning of the Secretariat.

### **Section 2. Seconded officials**

For seconded officials, any dispute arising regarding the imposition of disciplinary or non-disciplinary measures and/or the solving decision of a staff member claim shall be solved between the sending administration and the Secretariat, in accordance with the secondment conventions' conditions.



### **Section 3. Contracted staff**

For contracted staff members, any dispute arising regarding the imposition of disciplinary or non-disciplinary measures and/or the solving decision of a staff member claim, or the lack of such decision, may be referred to an arbitration body within one (1) month from the date on which the staff member received notification of the administrative decision to be contested or the date when such notification or decision should have been given as per applicable deadlines.

Such referral may not take place until the internal procedures mentioned for claims have come to an end with a final decision, or at the expiration of prescribed deadlines without reaching a final decision.

### **Section 4. Arbitration body**

The arbitration body shall consist of two arbitrators, each party selecting one arbitrator. Should they fail to agree, the arbitrators shall select a third arbitrator, who shall give a joint award with them. Staff members or external individuals can be appointed as arbitrators.

If any of the Parties fails to appoint an arbitrator or if agreement is not reached on the election of the third arbitrator within one (1) month, either Party may request the President of the Tribunal Arbitral de Barcelona (TAB) [Barcelona Arbitration Court], of the Associació Catalana per a l'Arbitratge [Catalan Arbitration Association], to appoint the arbitrator or arbitrators necessary, as appropriate.

### **Section 5. Suspensory effects**

The arbitration procedure shall have no suspensory effect on the contested decision. However, a staff member may submit an application requesting the arbitration body to suspend the implementation of the contested decision until the evaluation has been completed and the staff member has received notification of the outcome.

The arbitration body may suspend the implementation of a decision where it determines that the contested decision has not yet been implemented, the decision appears prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage to the staff member's rights.

The arbitration body shall notify the staff member of its decision within five (5) days of the submission request.

### **Section 6. Decision**

The arbitration body shall notify in writing the staff member concerned and the Secretary General respectively of its reasoned decision, reflecting the outcome of the appeal, within thirty (30) days of the date on which the appeal was lodged unless new facts have emerged which were unknown at the time of the initial appeal and are likely to have a bearing on the final decision. In such cases, the above-mentioned period may be extended once for another period of up to 30 days. The arbitrator's award shall not be subject to appeal and shall have the status of an amicable settlement.



### **Section 7. Appeal exceptions**

An appeal shall not be receivable by the Secretary General if the dispute arising from a contested decision has been resolved by an agreement reached through mediation.

However, a staff member may submit an application directly to the Secretary General to enforce the implementation of an agreement reached through mediation within thirty (30) calendar days of the agreement.

### **Section 8. Arbitration Body Procedures**

The arbitration body shall establish its own procedural rules and shall decide pursuant to the Staff Regulations, the present IR and the pertinent rules of the Spanish Law, where applicable.

The powers of the arbitrators shall last for three months, beginning on the date of the agreement to seek arbitration. The arbitrators shall be exempted from legal formalities and from the registration of their award, if any, copies of which they shall send to the parties by registered mail.

Each party shall bear its own costs incurred in the arbitration procedure, unless the arbitrators consider that there are justified grounds to charge all costs to one party.

## **RULE VI – LEAVE ENTITLEMENTS**

### **Section 1. Leave requests**

For operation planning purposes, leave requests for more than 10 working days, shall be made one month in advance in writing and by submitting a Leave Request Form to the Line Manager, with the prior clearance of the Administration Department. Regardless whether the leave is authorized or not, the Leave Request Form shall be delivered by the Line Manager to the Administration Department for filing purposes.

### **Section 2. Annual leave (AL)**

According to Article 17 of the Staff Regulations, staff members are entitled to 25 working days of annual leave. Every 3 years of service, staff members shall gain an additional day of annual leave.

Annual leave can only be taken as full and/or half days, and it may be taken separately or in conjunction with other types of leave.

The annual leave year runs from 1st of January to 31st of December. Leave must normally be taken within the leave year. With the agreement of the Line Manager, staff members may be permitted to carry up to 20 days' leave (pro rata for part-time staff members) into the next leave year, up to a total of 60 days of accumulated leave. This rule also applies when staff members have been absent during the leave year. No payment will be made in lieu of leave not taken.





### **Section 3. Mandatory Leave Dates**

The Mandatory Leave entitlement for staff members is 15 working days. This consists of 15 working days to be taken preferably, per operational reasons, between the 1st of July and the 31st of August.

### **Section 4. Procedure**

Line Managers are responsible for ensuring that leave requests are meticulously documented and presented in line with the given instructions, and also that the information is passed to the Administration Department. They are also responsible for ensuring that staffing levels remain adequate at all times in order to ensure that operational requirements are met. The effective strength of units shall at no time be below 50% of the established strength unless otherwise approved by the Secretary General. The granting of time off remains subordinate to operational requirements.

In the interest of the staff members' health balance, the Line Managers are also responsible for proper leave planning and staff members are encouraged not to accumulate more than 20 days of annual leave per year.

Line Managers responsible for approving AL should ensure the following:

- (a) Those members of staff, where possible, take the annual leave entitlement due to them in the AL year period. Only in exceptional circumstances should significant leave be allowed to be carried beyond 31st of December.
- (b) In Divisions/Departments where it is problematic for staff to take AL during the year, the Administration Department should be notified.
- (c) Staff members requesting leave of intervals of up to a week are required to make the request one week in advance.
- (d) Appropriate procedures should be put in place to cover business continuity.

### **Section 5. Special Leave (SpL)**

According to Article 19 of the Staff Regulations, staff members may, upon application, be granted special leave for the following occasions:

- (a) 18 calendar days for Marriage;
- (b) 3 days upon the birth of a child: if the employee needs to travel for this purpose, the term shall be extended to 4 days.
- (c) 2 days for a serious accident or illness, hospitalization or surgery without hospitalization that requires home rest, of relatives up to the second degree of blood ties or affinity. If the employee needs to travel for this purpose, the term shall be extended to 4 days.
- (d) 3 days for death of relatives up to the second degree of blood ties or affinity: if the employee needs to travel for this purpose, the term shall be extended to 5 days.
- (e) Up to 2 days for change of residence;
- (f) During an inexcusable public and personal duty, including voting rights as legally contemplated. If this duty implies more than 20% of working hours within three months, the staff member will fall under the unpaid leave entitlement.
- (g) For staff representation duties, as legally contemplated.



- (h) For education or training purpose, upon approval on a case by case basis, a justifiable period of time.

The Secretary General may, upon the request of a Deputy Secretary General or a seconded member of staff, authorize SpL for a justifiable period of time, for reasons related to obligations of the concerned staff member to his/her sending administration or his/her country of origin such as interviews for promotions in his/her administration, or voting for elections in his/her country of origin.

SpL can be requested to cover absence from the Secretariat up to a maximum of 5 days, in exceptional circumstances, on serious professional or legal grounds that are beyond the control of the staff member involved.

Authorisation for a seconded member of staff to take any other kind of SpL must be given by the Sending State/Institution. The Sending State/Institution must notify the Secretariat of the request for a seconded official to take SpL (such as court hearings, promotion boards, compulsory training courses, etc.).

Requests by contracted members of staff should provide supporting documentation which clearly justifies the grounds for requesting SpL.

### **Section 6. Maternity and Paternity Leave (ML & PatL)**

In case of pregnancy, and in order to be granted ML, the staff member shall submit to the Administration Department through the Line Manager all relevant medical certificates, indicating the anticipated date of birth. Likewise, staff members are entitled to PatL after their spouse or partner delivers or adopts a child.

- (a) Seconded members of staff and statutory positions shall be entitled to ML and PatL according to the law and regulations of the sending administration.
- (b) Contracted members of staff shall be entitled to ML – 5 months and PatL – 1,5 months.

A pregnant staff member shall also be entitled to take time off up to one working day per appointment, if necessary, without loss of pay, in order to attend prenatal examinations, if such examinations have to take place during working hours. Personal circumstances shall, as far as possible, be taken into account.

For contracted members of staff, the Secretariat shall cover by means of a supplement the whole gross salary of the staff members not covered by the Spanish social security system during ML and PatL periods.

### **Section 7. Parental Leave (PL)**

Staff members are entitled to PL after delivering or adopting a child on the basis of reduction of working hours and/or flexible working hours.

The staff member is required to submit relevant documents along with the request for PL, to the Administration Department through the Line Manager.

- (a) Seconded members of staff and statutory positions shall be entitled to PL according to the law and regulations of the sending administration.



- (b) Contracted members of staff shall be entitled to PL with a reduction of working day hours with the proportional decrease in salary of between, at least, one eighth, and at most, half of its duration.
- (c) Contracted members of staff shall be entitled to two (2) hours of absence from work to breast-feed an infant of less than nine months. This may be divided into two fractions. The duration of such leave shall be increased proportionally in cases of multiple childbirth. Staff members concerned, at their choice, may substitute this right for a reduction of their working day by two and a half (2.5) hours for the same purpose, or accumulate this into complete days.

This leave may be enjoyed by either the mother or the father, in the event that both work at the Secretariat.

### **Section 8. Sick leave (SL)**

A staff member who provides evidence of being unable to carry out his/her duties by reason of illness or accident shall be entitled to sick leave. Sick leave in the Secretariat that is not certified by a medical certificate may be taken for a maximum period of three days at a time, not counting weekend days and public holidays. The total of uncertified sick leave days cannot exceed nine days during a twelve-month period.

If sick leave is taken for a period in excess of three days, a qualified doctor must certify the medical situation in an appropriate form. For contracted members of staff, the certificate has to be issued by a doctor within the Social Security system. For statutory positions and seconded members of staff, the medical certificate can be issued by a private doctor.

The Line Manager and the Administration Department must be informed of any period of sick leave taken by any staff member as soon as possible, but not later than 8 hours after the beginning of the period of absence. In case of certified sick leave, the medical certificate must be sent on the fifth calendar day of absence at the latest, as evidenced by the date as postmarked. Failing this, and unless failure to send the certificate is due to reasons beyond his/her control, the absence shall be considered as unauthorized leave.

If, while on AL/CTO other than special or unpaid leave, the staff member falls ill, he/she must contact the Administration Department at the onset of the illness and send a copy of the medical certificate with the following information as scanned attachment by e-mail or by fax within 48 hours:

- (a) starting (and end date) of the illness;
- (b) the exact address of the place where he/she is staying during the illness and the means of contacting him/her; and,
- (c) exact name and address (plus the means of contacting) of the treating doctor.

The staff member should also send the original medical certificate as soon as possible. Only if the above conditions are met, the leave days may be re-credited to the staff member concerned.



It is the responsibility of each Line Manager to identify and report patterns of sickness which cause concern about the welfare or suitability of a staff member under his/her authority, and/or which impede the operational effectiveness of the Secretariat. Line Managers are advised to communicate with the member of staff in question to ascertain the reasons for persistent levels of sickness or absence.

Thus, staff members may at any time be required to undergo a medical examination arranged by the Secretariat.

For statutory positions, the Senior Officials will be informed in case of detecting patterns of sickness, which may cause concern or impede operational effectiveness of the Secretariat.

For seconded members of staff, the Sending State/Institution is informed of all periods of sickness exceeding 7 days, patterns of sickness which cause concern or impede operational effectiveness of the Secretariat. Excessive sickness levels may result, if necessary, in a recommendation to repatriate the staff member. The absence of more than 20 consecutive days of a seconded official may lead to a request, through the Director of the Cabinet, to the sending State/Institution to consider the repatriation of the staff member concerned.

For contracted staff, the absence of more than 30 days per year of a staff member may lead to a decision by the Secretary General to terminate the employment contract of that staff member.

For contracted staff, the Secretariat shall cover by means of a supplement the whole gross salary of the staff members not covered by the Spanish social security system during sick leave periods.

### **Section 9. Public Holidays**

In addition to annual and special leaves, staff members shall be entitled during a year to 14 days of leave on religious and other holidays.

The list of these holidays shall be prepared by the Administration Department taking into account the diverse needs of staff members and established on an annual basis by the Secretary General.

Public Holidays (as approved by the Secretary General) cannot be taken in advance.

### **Section 10. Leave on Personal Grounds (LPG)**

Except for the statutory positions, a staff member may request a period of leave on personal grounds - LPG. All Secretariat public holidays and weekends falling within a LPG period are considered forfeited. No salary or remuneration shall be paid by the Secretariat during LPG periods. Authorisation for a seconded member of staff to take LPG must be given by the Sending State/Institution. The Sending State/Institution must notify the Secretariat of the request for a seconded official to take LPG.



The duration of LPG shall not be less than one (1) month. However, for major family reasons, leave on personal grounds may be granted for a period of fifteen (15) days if there are no other possibilities of reducing working time (PL).

Without prejudice to paragraph 2, the duration of the LPG shall be restricted to a maximum of one (1) year, extendable several times for additional periods of up to one (1) year, if applied for by the staff member one month and a half (1,5) before expiry of the current period.

The period of LPG granted to a staff member shall be restricted to the duration of the term of office. However, the total duration of leave on personal grounds may not exceed twelve (12) years over a staff member's whole career.

For the purposes of calculating the total cumulative duration of LPG, the following periods of LPG granted shall not be taken into account:

- (a) personal leave taken in order to follow his/her spouse and to establish his/her usual residence at such a distance from the applicant's official place of employment that establishing the conjugal residence in such a place would inconvenience the applicant official in the performance of his/her duties; or
- (b) personal leave taken in order to bring up a child who is considered dependent up to the age of twelve (12) years; or
- (c) personal leave taken in order to assist his spouse, a relative in the ascending line, a relative in the descending line, a brother or a sister in the case of medically certified serious illness or disability; or
- (d) personal leave granted to a staff member who has been elected or appointed to public office, including posts of confidence. The period of leave on personal grounds granted to a staff member elected or appointed in such cases shall be restricted to the duration of the term of office or appointment.

During the LPG, the staff member shall maintain a link with the Division or Department to which he was last assigned before his/her leave, considered as his/her Division or Department "of origin", for the purposes of extending that leave. If, during LPG, reorganisation takes place entailing transfer of the staff member's former tasks to another Division or Department, the staff member shall come under the new Division or Department to which the tasks have been assigned. The staff member shall inform the Secretariat of his/her contact details during his/her leave on personal grounds and keep this information updated at all times.

In accordance with Article 15 of the Staff Regulations, during LPG a staff member shall not be entitled to advancement to a higher step or promotion in grade.

A post which is unoccupied following departure on LPG for a period of six (6) months or more shall be considered for a short-term appointment from the first day of that LPG, but subject to a conditional termination based on the reincorporation of the concerned staff member.

At the latest two (2) months before the end of the LPG, and if the staff member has not already submitted an application to return to work, the Administration Department shall contact the staff member and request a written notification of his wish to extend his/her LPG or to return to work, in which case he/she should provide an updated curriculum vitae which includes details of any professional



activity engaged in and new knowledge acquired while on leave. In order to facilitate the return to work, the Administration Department shall take the necessary measures for the proper return to work of the staff member in his/her Division-Department of origin in his/her post.

A staff member, who has reached the cumulative total of years of LPG provided in paragraph 4 above or who can no longer claim the exemptions set out in paragraph 5 above and who does not apply to return to work, may be dismissed after consultation with the Advisory Board.

### **Section 11. Compensatory Time Off (CTO)**

CTO is time off with pay in lieu of contracted staff overtime work duly requested or authorized by the Line Manager. CTO for a concerned contracted staff member is earned per overtime work and is considered to cover:

- (a) all overtime duty performed for operational reasons outside the normal working hours;
- (b) all standby available duty only when on the place of employment outside the normal working hours (on-call duty).
- (c) all overtime for operational reasons to work during week-ends and/or Public Holidays, specifically and previously requested by the Line Manager, whether in Barcelona and/or on Mission. Travel time to reach the place of Mission or return to the Secretariat does not generate the right to CTO.

CTO may be taken separately or in conjunction with other types of leave but can only be taken as full and half days and always in the interest of the service.

CTO must be taken rapidly to avoid accumulation of overtime and, in any case, within the following 2 months of the week it was earned, at a time approved by his/her Line Manager (i.e. it must be used or lost by the end of the two (2) months period).

## **RULE VII – SOCIAL SECURITY AND TAXATION**

### **Section 1. Social Security**

Staff members are subject to the social security regime and pension scheme as per their employment contracts and, where relevant, to the applicable provisions of the Secretariat's Headquarters Agreement. Compulsory provisions shall be made for the participation of all contracted staff in a social security regime and pension scheme.

### **Section 2. Taxation**

Staff members are subject to the tax regime as per the applicable provisions of the Secretariat's Headquarters Agreement.

## **RULE VIII – TERMINATION INDEMNITY**

### **Section 1. Definition of Termination**

A termination within the meaning of the Staff Regulations is any separation from service initiated by the Secretary-General other than the expiration of a contract,



non-confirmation of a contract at the end of probation, mandatory separation at the retirement age or summary dismissal after a disciplinary procedure.

### **Section 2. Payment**

Payment of termination indemnity under Article 30 of the Staff Regulations shall be calculated on the basis of two (2) months of the staff member's gross salary per year worked with the Secretariat.

Length of service shall be deemed to comprise the total period of a staff member's full-time continuous service with the Secretariat, regardless of types of appointment. Continuity of such service shall not be considered as broken by periods of leave, except periods of leave on personal grounds.

## **RULE IX – SALARY AND RELATED PROVISIONS**

### **Section 1. Salary**

The Secretariat offers an attractive package in order to attract and retain talented individuals from around the Member States.

The Secretariat's salary scale defined below shall be adjusted annually based on salary movements in other comparable international organizations.

### **Section 2. Salary scales**

The salary scales for staff members, as per the Secretariat's organization structure, shall be fixed in accordance with the provisions of Article 10 of the Staff Regulations.

Salaries of staff members shall be adjusted in accordance with the approved steps and grades of the salary scale, with due regard to the Programme of Work and Budget approved by the Member States and having due regard to the financial situation of the Secretariat.

The Secretary-General shall determine the entry salary rates to be paid to staff members, considering their skills and experience, as well as those specifically engaged for conferences and other short-term services.

No salary shall be paid to staff members in respect of periods of unauthorised absence from work unless such absence was caused by reasons beyond their control or duly certified medical reasons.

### **Section 3. Salary structure**

The Secretariat shall institute and maintain programmes to classify posts according to their purpose, function, and scope and level of responsibility so as to provide a sound and equitable basis for the remuneration of staff members.

Likewise, the Secretariat shall institute and maintain programmes to recognize staff members' contributions and to reward staff members according to their performance and achievements as documented in the performance appraisal system.



Performance rewards shall constitute on aggregate no more than 1.5 per cent of the total salary budget, subject to review by the Advisory Board in light of a proposal by the Administration Department.

## **RULE X – SYSTEM OF INCREMENT AND ADVANCEMENT**

### **Section 1. Salary increments on steps**

Subject to satisfactory service, salary increments in accordance with the salary scales set forth, shall be awarded annually, except that any increments to the last two (2) steps per appropriate grade that shall be preceded by two years at the previous step.

Satisfactory service for the purpose of awarding a salary increment shall be defined, unless otherwise decided by the Secretary-General in any particular case, as satisfactory performance and conduct of staff members in their assignments as evaluated by their supervisors.

If a staff member whose service has not been satisfactory is demoted, the staff member's eligibility for salary increment at the lower grade will be based on satisfactory service at the lower grade.

### **Section 2. Promotion on several steps and grade changes**

Staff members are eligible for promotion on several steps or to a higher grade based on outstanding performance and conduct in accordance with the annual performance appraisal, and subject to the positive appraisal of the Advisory Board.

If a staff member whose service has been outstanding is promoted in several steps or to a higher grade, he or she shall be placed at the lowest step in the grade to which he or she is promoted that provides an increase in salary equal to at least the amount that would have resulted from the granting of two (2) steps at the lower grade.

If the advancement is effective on the month in which an increment at the lower grade is due, such increment will be included in the salary at the lower grade, to which two (2) steps will then be added to determine the staff member's salary after such advancement in accordance with paragraph above.

The date of the first salary increment at the higher grade shall be the anniversary date of the advancement, except that in the case of those increments that require two (2) years of satisfactory service, the first increment at the higher grade will become due two years from the date of the advancement.

### **Section 3. Temporary deployments**

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 grade posts.

A staff member who is called upon to assume the full duties and responsibilities of a





post at a grade clearly recognisable as higher than his or her own for a temporary period exceeding three months may, in exceptional cases, be granted a special post allowance based on the 50% of the difference between the two grades salaries, from the beginning of the fourth month of service at the higher grade.

#### **Section 4. Retroactivity of payments**

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

- (a) in the case of the cancellation or modification of the applicable rule governing eligibility, within three months following the date of such cancellation or modification;
- (b) in every other case, within one (1) year following the date on which the staff member would have been entitled to the initial payment.

#### **Section 5. Performance Reward**

A staff member whose performance is judged to be outstanding in the light of the annual performance appraisal shall be eligible to receive a non-pensionable, lump-sum, bonus payment under conditions established by the Secretary-General, upon proposal by the Advisory Board, in addition to any salary increment that may be devoted to him/her as defined in the above sections.

However, a staff member who has been promoted to a higher grade or in several steps during the reference period shall not be eligible to receive a performance reward.

### **RULE XI – WORKING SCHEDULE**

#### **Section 1. Week schedule**

Secretariat working week schedule is of seven hours and a half (7.5) a day from Monday to Friday. This schedule excludes the lunch break.

#### **Section 2. Working hours**

The standard working hours are from 09:00 am to 17:30 pm, Monday to Friday, including the lunch break. Flexibility to the working hours mentioned above is allowed to staff members provided that:

- a) the weekly working hours are 37.5;
- b) the bandwidth<sup>1</sup> for working hours is 8:00 am to 19:00 pm Monday to Friday;
- c) the core<sup>2</sup> working hours are between 10:00 am to 13:00 pm;

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<sup>1</sup> Bandwidth is the elapsed time between the earliest permissible starting time and the latest permissible finishing time. Time may be accrued during the bandwidth hours. Staff members may choose their daily start and finish times within the bandwidth, subject to the provisions of the employment agreement. A staff member must not work more than five hours without a lunch break.

<sup>2</sup> This is the period during the day (excluding the lunch break) when staff members are required to be on duty, unless on approved leave. Any absences during the core time period must be accounted. In exceptional cases, for example urgent unusual UfMS requirements, where an UfMS staff is unable to commence work until after the commencement of core time, or is unable to remain working until the end of core time, they should notify their line



- d) the lunch break is of minimum 30 minutes;
- e) a maximum of 12.5 working hours' credit or debit may be carried forward into the next week period.<sup>3</sup>

A staff member who wishes to work a regular pattern of work outside the above provisions must seek the agreement of his/her line manager and clearance from the Administration Department.

### **Section 3. Attendance recording**

The Administration Department in collaboration with the Line Managers is responsible for the maintenance of attendance reports/monthly rosters, which should include the following information:

- a) record and verification of staff work status (i.e. on duty, duty trip, Annual Leave (AL)/Compensatory Time Off (CTO), sick leave, etc.);
- b) any remarks, if necessary.

\* \* \* \* \*

Done in Barcelona  
17th July 2018

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managers and the Administration Department as soon as possible. Time lost will be debited against time credits/debits or leave entitlements.

<sup>3</sup> An exception is foreseen for credit in excess of 12.5 working hours in the event of special or unusual requirements or unforeseen shortages in personnel duly approved by the line manager.