

Updated Regulation 9

TYPES OF APPOINTMENT

AMENDED TEXT
Applicable to Officials appointed as of NEP WS1 Implementation date (for Officials appointed before that date, see also paragraph 9.1 above on transition measures)
TYPES OF APPOINTMENT REGULATION 9bis a) Officials shall be appointed under the following types of appointment: • Officials other than executive and senior executive officials shall be appointed under open-ended appointments. In specific circumstances, as determined by the Secretary-General, they may be appointed under fixed-term appointments. • Executive and senior executive officials shall be appointed under executive appointments. b) Open-ended appointments shall be subject to a probationary period of twelve months from the date of appointment. In exceptional circumstances where the Organisation has not been in a position to adequately assess the officials' performance for an extended period of time, the Secretary-General may decide to extend the probationary period for another period not exceeding six months. At least one month before the end of the probationary period, the Secretary-General shall decide whether to confirm the appointment, to extend the

probationary period or to terminate the appointment.

- c) **Fixed-term appointments** shall be made for an initial period of at least twelve months. Fixed-term appointments may be renewed, provided that the total duration of appointment does not exceed three years.

If the initial fixed-term appointment does not exceed twelve months, the appointment shall be subject to a probationary period of three months from the date of appointment. If the initial fixed-term appointment exceeds twelve months, the appointment shall be subject to a probationary period of six months from the date of appointment.

At least one month before the end of the probationary period, the Secretary-General shall decide whether to confirm or to terminate the appointment.

- d) **Executive appointments** shall be made for an initial period not exceeding three years. Executive appointments may be renewed, each time for a period not exceeding three years.

Executive appointments shall be subject to a probationary period from the date of appointment of up to twelve months. At least one month before the end of the probationary period, the Secretary-General shall decide whether to confirm or to terminate the appointment.

For officials holding fixed-term appointments immediately before being promoted to executive or senior executive functions, their executive appointments shall be subject to a probationary period of up to twelve months from the starting date of such executive appointment. At least one month before the end of the probationary period, the Secretary-General shall decide whether to confirm or to terminate the appointment.

For officials holding open-ended appointments immediately before being promoted to executive or senior executive functions, their reassignment shall be subject to a confirmation period of up to twelve months from the date of reassignment. If the Secretary-General decides not to confirm the reassignment, these officials shall return to the functions previously assigned to them or to other functions corresponding to their qualifications and experience, at the grade they previously held.

Rules

9/1

Officials other than executive or senior executive officials may be appointed under fixed-term appointments:

- to work on specific time-bound projects; or

- to replace officials who are on non-activity or who are on loan or secondment to another institution; or
- when they are seconded to the Organisation in the framework of an agreement with a national administration or an intergovernmental organisation.

9/2

When officials holding open-ended appointments have been promoted to executive or senior executive functions, their appointments shall be deemed to have been converted into executive appointments governed by Regulation 9 d), as from the date of the reassignment if their confirmation periods have been successful.

9/3

When officials holding open-ended appointments have been promoted to executive or senior executive functions and their confirmation periods have been unsuccessful:

- a) they shall return to the functions previously assigned to them or to other functions corresponding to their qualifications and experience, at the grade they previously held; or
- b) If the functions previously assigned to them have been affected by one of the situations referred to in Regulation 11 b) iv) or v) [suppressions of functions] and, after a period of research of three months no available functions corresponding to their qualifications and experience have been found or they refuse to be reassigned to such functions, at the same category or job family and grade, the Secretary-General shall terminate their appointment pursuant to Regulation 11 b) iv) or v) [suppression of functions] or Regulation 11 b) vii) [refusal to be reassigned to functions], as appropriate.

9/4

When officials holding fixed-term appointments are promoted to executive or senior executive functions, their appointments shall be deemed to have been converted into executive appointments governed by Regulation 9 d), as from the starting date of such executive appointment.

Updated Regulation 11

END OF APPOINTMENT

AMENDED TEXT

NEP WS1 aims to enhance and reorganise Regulation 11 by regrouping and redefining the end of appointment reasons into simplified categories. Changes in the following section are applicable as of NEP WS1 Implementation date to new and existing Officials. [changes are not highlighted in blue if wording is only simplified or if provision already exists under current Regulation 11 and is just moved]

ENDS OF APPOINTMENT

REGULATION 11

a) An official's appointment ends:

- i. Upon expiration of a fixed-term or executive appointment;
- ii. Upon reaching the age limit, provided for in Regulation 13;
- iii. Upon resignation, in accordance with Regulation 12 a);
- iv. In case of abandonment of functions, in accordance with Regulation 12 b);
- v. In case of death, pursuant to Regulation 12 c);
- vi. In case of termination by the Secretary-General, in accordance with Regulation 11 b).

b) The Secretary-General may terminate the appointment of officials in the following cases:

- i. Unsuccessful probationary period;
- ii.
- iii. Imposition of dismissal as a disciplinary measure;
- iv.
- v. Unsatisfactory performance;
- vi.
- vii. Their functions are suppressed as a result of a reorganisation, leading to a reduction in the number of officials either:
 - assigned to an output or activity; or
 - performing a particular type of function; or
 - assigned to a particular category or job family and grade;
- viii. Their functions are suppressed due to:
 - a lack of funding in relation to the relevant output or activity; and/or
 - evolving organisational needs as a result of which their functions have become unnecessary or redundant;
- ix. Their skills, as a result of a redefinition of the functions:
 - are no longer required; or
 - have become obsolete and no longer serve the needs of the Organisation;
- x.
- xi. They refuse to be reassigned to functions corresponding to their qualifications and experience, at the same category or job family and grade;
- xii. Their work unit is transferred to another duty station and they refuse to be transferred to this new duty station;
- xiii. They are incapacitated for service or cannot be reinstated at the end of a period of non-activity;
- xiv. They are not reinstated at the end of a period of secondment;
- xv. The country of which they are a national ceases to be a Member of the Organisation.

c) The Secretary-General may terminate the appointment of an official by mutual consent with the official concerned.

The following section is applicable only to Officials appointed on or after NEP WS1 Implementation date

d) Unless otherwise provided in paragraph e) below, a notice period shall be observed as follows:

i. A one-month notice period shall be observed if:

xvi.

- the appointment is terminated following an unsuccessful probationary period; or
- a fixed-term appointment is terminated prior to its expiry date;

ii. A three-month notice period shall be observed for:

xvii.

- officials whose open-ended appointment is terminated and have up to 3 years of active service;
- officials whose executive appointment expires and have up to 3 years of active service;
- officials whose executive appointment is terminated prior to its expiry date and have up to 3 years of active service;

iii. A six-month notice period shall be observed for:

xviii.

- officials whose open-ended appointment is terminated and have more than 3 years of active service;
- officials whose executive appointment expires and have more than 3 years of active service;
- officials whose executive appointment is terminated prior to its expiry date and have more than 3 years of active service.

e) Notwithstanding paragraph d) above, a notice period shall not be observed when:

- i. A fixed-term appointment ends upon its expiry date, pursuant to Regulation 11 a) i);s
- ii. The official is dismissed as a disciplinary measure, pursuant to Regulation 11 b) ii);
- iii. An appointment is terminated because the official refuses to be reassigned to other functions, pursuant to Regulation 11 b) vii);

- iv. An appointment is terminated because the official's work unit is transferred to another duty station and the official refuses to be transferred to this new duty station, pursuant to Regulation 11 b) viii);
- v. An appointment is terminated because the official is incapacitated for service or cannot be reinstated at the end of a period of non-activity, pursuant to Regulation 11 b) ix);
- vi. An appointment is terminated because the official cannot be reinstated after a period of secondment of more than two years, pursuant to Regulation 11 b) x).

The following section is applicable as of NEP WS1 Implementation date to new and existing Officials.

[changes are not highlighted in blue if wording is only simplified or if provision already exists under current Regulation 11 and is just moved]

Rules

Procedural review

Rule

11/1

Prior to the decision to terminate the appointment, the relevant advisory body shall be consulted, upon request of the official concerned or of the Head of Human Resource Management, on the regularity of the procedure when such decision is based on:

- the official's unsatisfactory performance (Regulation 11 b) iii));
- the suppression of the functions of the official (Regulation 11 b) iv) and v));
- the fact that the official's skills are no longer required or have become obsolete and no longer serve the needs of the Organisation (Regulation 11 b) vi));
- the official's refusal to be reassigned to other functions (Regulation 11 b) vii));

- the official's refusal to be transferred to the new duty station of the official's work unit (Regulation 11 b) viii)); or
- the fact that the official is incapacitated for service or cannot be reinstated at the end of a period of non-activity (Regulation 11 b) ix)).

11/2

In cases referred to in Rule 11/1 above, the official shall be notified in writing, before the potential consultation of the relevant advisory body, of the Secretary-General's intention to terminate the official's appointment, indicating the statutory ground for such intended termination.

Termination of appointment in case of suppression of functions due to lack of funding and/or evolving organisational needs pursuant to Regulation 11 b) v)

11/3

The Secretary-General may decide to suppress functions due to a lack of funding, and/or evolving organisational needs, notably in the following circumstances:

- when there has been a change in the Programme of work and budget that results in a reduction in an output or activity;
xix.
- when there has been a significant decrease, or default of payment, of voluntary contributions dedicated to a project;
xx.
- when a project assigned to an official has been abandoned, rendering the official's functions unnecessary or redundant;
xxi.
- when there has been a significant decrease in activity in a specific area, rendering the official's functions unnecessary or redundant;
xxii.
- when efficiency gains result in an overcapacity, rendering the official's functions unnecessary or redundant.

The following section is applicable only to Officials appointed on or after WS1 Implementation date.

Termination of appointment by mutual consent

11/X1

Officials whose appointments end by mutual consent pursuant to Regulation 11 c) above may receive a lump sum payment, provided that they waive

all claims against the Organisation.

The Secretary-General shall set the amount of such lump sum, which shall not exceed nine months of the officials' last basic salary. Exceptionally, the Secretary-General may set a higher amount when he/she deems it in the best interest of the Organisation.

11/X2

Officials whose appointments end by mutual consent pursuant to Regulation 11 c) above may request the crediting of periods of service corresponding to the lump sum payment referred to in Rule 11/X1, under the applicable Pension Scheme. Such periods shall be credited pursuant to the provisions of the applicable Pension Scheme for the crediting of periods of service corresponding to indemnities [Article 4 and subsequent instructions of Annex X and X bis to these Regulations].

Notice period

Rules

11/X3

When an appointment is terminated, the notice period shall run either:

- from the date of notification of the Secretary-General's intention to terminate the appointment, when such notification is required pursuant to Rule 11/2; or
- from the date of notification of the Secretary-General's decision to terminate the appointment, when the country of which they are a national cease to be a Member of the Organisation.

11/X4

If an official is on sick leave or on military service leave when the notice period starts, such period shall be increased by the number of days during which such official is actually on sick leave or on military service leave after the starting date of the notice period.

11/X5

For purposes of calculating the period of active service giving right to a notice period, no account shall be taken of any periods:

- a) of employment by the Organisation in another capacity than official;
- b) of secondment to another institution under Regulation 10bis;
- c) on long-term unpaid training leave under Regulation 20 l);

d) on non-active status under Regulation 14.
Payment instead of notice
11/X6 In exceptional circumstances, instead of giving the notice provided for in Regulation 11 d), the Secretary-General may pay an official whose appointment is terminated the emoluments due for the period of notice.

Updated Rule 17/7

INDEMNITY FOR LOSS OF EMPLOYMENT

AMENDED TEXT	
<i>Applicable only to Officials appointed on or after NEP WS1 Implementation date</i> <i>[changes are not highlighted in blue if wording is only simplified or if an existing provision was simply moved]</i>	
Indemnity for Loss of Employment	
Rules	
Eligibility	
17/X	
Officials shall be entitled to an indemnity for loss of employment when their appointments end for the following reasons: a) their executive appointments expire when or after they have reached three years of active service [Regulation 11 a) i)]; b) their functions are suppressed [Regulation 11 b) iv) and v)]; c) their skills are no longer required or have become obsolete and no longer serve the needs of the Organisation [Regulation 11 b) vi)]; d) they refused to be transferred to the new duty station of their work unit [Regulation 11 b) viii)], unless their letter of appointment provided for the possibility of their work unit being transferred to another duty station; or e) they are incapacitated for service or cannot be reinstated at the end of a period of non-activity [Regulation 11 b) ix)]; or f) the country of which they are a national ceases to be a Member of the Organisation [Regulation 11 b) xi)]. xxiii.	
17/X.X	
Officials shall not be entitled to an indemnity for loss of employment in the following cases:	

a) their fixed-term appointments expire; b) their executive appointments expire before they have reached three years of active service; c) their appointments are terminated for unsuccessful probationary period [Regulation 11 b) i)]; d) their appointments are terminated for disciplinary reasons [Regulation 11 b) ii)]; e) their appointments are terminated for unsatisfactory performance [Regulation 11 b) iii)]; f) they refused to be reassigned to other functions corresponding to their qualifications and experience, at the same category or job family and grade [Regulation 11 b) vii)]; g) their appointments end upon reaching the age limit, upon resignation, in case of abandonment of functions or in case of death [Regulation 11 a) ii), iii), iv) and v)]; h) they have the right to be reintegrated by their previous employer on the date their appointments end; or i) upon the end of their appointments, they are appointed to functions carrying comparable remuneration in one of the Co-ordinated Organisations.¹ xxiv.
17/X.X For the purposes of calculating the period of active service giving right to the indemnity for loss of employment, no account shall be taken of any period: a) of service in respect of which any indemnity for loss of employment has already been paid; b) of employment by the Organisation in any capacity other than as an official; c) of secondment to another institution under Regulation 10bis; d) on long-term unpaid training leave under Regulation 20 l); e) on non-active status under Regulation 14.
<i>Amount of indemnity</i> 17/X.X.X For officials on open-ended appointments, the loss of employment indemnity shall be equal to: a) one month's basic salary for each full year of active service, calculated on a pro rata temporis basis, subject to a ceiling of nine months' basic salary, provided they have at least three years of active service; or

¹ The Council of Europe, the European Organisation for the Exploitation of Meteorological Satellites, the European Centre for Medium-Range Weather Forecasts, the European Space Agency, or the North Atlantic Treaty Organisation

b) one half of the official's monthly basic salary for each full year of active service, calculated on a pro rata temporis basis, if they have less than three years of active service.
17/X.X.X For officials on fixed-term appointments, the loss of employment indemnity shall be equal to one half of the official's monthly emoluments multiplied by the number of months remaining until the expiry of their appointments subject to a ceiling of five months' emoluments.
17/X.X.X For officials on executive appointments, the loss of employment indemnity shall be equal to: a) one month's basic salary for each full year of active service, calculated on a pro-rata temporis basis, subject to a ceiling of nine months' basic salary, provided they have at least three years of active service; or b) one half of the officials' monthly emoluments multiplied by the number of months remaining until the expiry of their appointments subject to a ceiling set at five months' emoluments if they have less than three years of active service. xxv.
17/X.X The amount of indemnity shall not represent a number of months, or fractions of months, in excess of the period remaining before the official would have reached the age limit specified in Regulation 13.
17/X.X.X The total amount officials receive upon termination of their appointments shall not exceed the amount they would have received had they remained employed by the Organisation until the age limit specified in Regulation 13, at their last grade and step. The total amount includes: • the amount of the loss of employment indemnity; • the total pension entitlement on account of the applicable Pension Scheme; • the payment instead of notice.
Rules 17/X.X For the purposes of Rule 17/X, the indemnity shall be calculated using the basic salary of the official at the date of the end of appointment.
<i>Payment of indemnity</i> 17/X.X a) The indemnity for loss of employment shall be paid to officials in full upon the end of their appointments; b) The indemnity for loss of employment and payment instead of notice shall be reimbursed to the Organisation if former officials are accorded an invalidity pension under the applicable Pension scheme Rules. To facilitate such reimbursement, the Organisation may deduct from the invalidity pension the amounts paid on account of indemnity for loss of employment and of payment instead of notice;

c) When officials whose appointments ended are subsequently reemployed in any capacity by the Organisation or by another Co-ordinated Organisation, they shall reimburse the difference, if any, between the emoluments that they would have received had their appointments not been terminated, and the amount of indemnity for loss of employment and of payment in lieu of notice which they have received.