

166th SESSION OF THE EXECUTIVE COMMITTEE

Virtual Session, 22-23 June 2020

CE166.R8
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RESOLUTION

CE166.R8

AMENDMENTS TO THE PASB STAFF REGULATIONS AND RULES

THE 166th SESSION OF THE EXECUTIVE COMMITTEE,

Having considered the amendments to the Staff Rules of the Pan American Sanitary Bureau submitted by the Director in Annex A to Document CE166/15, and bearing in mind the provisions of Staff Rule 020;

Acknowledging the 2019 recommendation of the International Civil Service Commission to increase the current base/floor salary scale for the professional and higher categories and pay protection points by 1.21% on a no-loss/no-gain basis, and PASB's implementation of that recommendation as of 1 January 2020;

Recognizing that Staff Regulation 3.1 stipulates that the salary of the Director shall be fixed by the Executive Committee, and the salaries of the Deputy Director and Assistant Director shall be determined by the Director of the Bureau with the approval of the Executive Committee;

Taking into consideration the need for uniformity in the conditions of employment of staff of the Pan American Sanitary Bureau and the United Nations Common System Agencies,

RESOLVES:

1. To confirm, in accordance with Staff Rule 020, the amendments to Appendix I of the Staff Rules that have been made by the Director, effective 1 January 2020, concerning remuneration of staff in the professional and higher categories and a common scale of staff assessment.
 2. To study, during its 167th session, the corresponding adjustments to the salaries of the Assistant Director, the Deputy Director, and the Director, once the 58th Directing
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Council has determined the broad package of austerity measures referred to in Resolution CESS1.R2, adopted in the special session of the Executive Committee on 29 May 2020.

3. To confirm the amendments to the PASB Staff Rules.

Annex

Annex

**PROPOSED AMENDMENTS TO THE STAFF RULES
OF THE PAN AMERICAN SANITARY BUREAU**

Throughout the PASB Staff Regulations and Rules the following editorial changes will apply:

“staff in the professional and higher categories”

“staff in the general service category”

“duty station”

“special education grant”

“special leave without pay”

The substantive amendments presented below shall apply to the specific articles indicated in each case:

310. DEFINITIONS

[...]

310.3 “Pensionable remuneration” is the amount used to determine contributions from the staff member and the Organization to the United Nations Joint Staff Pension Fund. Pensionable remuneration amounts are also used for the determination of pension benefits of staff members upon retirement. Subject to the terms of the staff member’s appointment, pensionable remuneration amounts are defined in the Regulations of the United Nations Joint Staff Pension Fund. However, when a promotion from the general service category to the professional category would result in a reduction of the staff member’s pensionable remuneration, the level of pensionable remuneration reached prior to the promotion shall be maintained until it is surpassed by the level of the staff member’s pensionable remuneration in the professional category.

320. SALARY DETERMINATION

[...]

320.5 Pursuant to Staff Rule 567, a staff member may be officially requested to assume temporarily the responsibilities of an established post of a higher grade than that which

The substantive amendments presented below shall apply to the specific articles indicated in each case:

he or she occupies. Such temporary arrangements shall not normally continue for more than 12 months.

330. SALARIES

[...]

330.3 The net base salary of staff members in the professional and higher categories holding temporary appointments as defined in Rule 420.4 shall be paid in accordance with the schedule in Rule 330.2.

350. EDUCATION GRANT

350.1 Staff members in the professional and higher categories who are serving and residing outside the country of their recognized place of residence, except those holding temporary appointments as defined in Rule 420.4, are entitled to an education grant under the following conditions:

355. SPECIAL EDUCATION GRANT FOR CHILDREN WITH DISABILITIES

[...]

355.2 “Admissible expenses” shall include the cost of such teaching services and equipment as are necessary to provide an educational program designed to meet the needs of a child who has a mental or physical disability in order that the child may attain the highest possible level of functional ability. Other admissible expenses are reimbursed under Rule 350.

365. SETTLING-IN GRANT

[...]

365.2 The amount of the per diem portion of the settling-in grant shall be the equivalent of the travel per diem applicable on the date the individual arrives at the duty station:

[...]

365.2.3 with respect to a dependent child studying outside the duty station, per diem as defined in 365.2.2 to be paid in conjunction with the first round trip to the duty station provided that the child resides with the staff member at the duty station during school vacations. The staff member is not entitled to the per diem portion of the

The substantive amendments presented below shall apply to the specific articles indicated in each case:

settling-in grant with respect to a child who travels to the duty station on or after reaching age 21.

365.3 Subject to conditions established by the Bureau on the basis of conditions and procedures approved by the United Nations General Assembly for the United Nations system, the settling-in grant shall also include a lump sum portion calculated and payable on the basis of one month of the staff member's net base salary and, as applicable, the post adjustment at the duty station to which the staff member is assigned and at the rate applicable from the date of arrival at the duty station.

[...]

365.6 On authorized travel upon appointment, a staff member holding a temporary appointment will be paid the per diem portion of the settling-in grant under Rule 365.2.1 only with respect to himself or herself. Temporary staff are not eligible to receive the lump sum portion of the settling-in grant. Any payment made under Staff Rule 365.2.1 may not be inconsistent with Staff Rule 365.5.2.

370. REPATRIATION GRANT

370.1 A staff member who on leaving the service of the Bureau, other than by summary dismissal under Rule 1075.2, has performed at least five years of continuous service outside the country of his or her recognized place of residence under a fixed-term or service appointment shall be entitled to a repatriation grant in accordance with the following schedules and with Rule 380.2. Payment with respect to entitlements shall be subject to receipt from the former staff member of documentary evidence, in accordance with established criteria, of relocation outside the country of the staff member's last duty station or residence during the last assignment, with due regard to the provisions of Rule 370.4. The grant is payable if it is claimed within two years of the effective date of separation.

[...]

370.4 The grant shall not be payable to a staff member assigned to, or residing in, the country of his or her recognized place of residence at the time of separation provided that the grant may be paid on a full or reduced basis to a staff member transferred to duty in the country of his or her recognized place of residence prior to separation, the amount of the grant being reduced in proportion to the duration of his or her residence in that country. In such a case, the evidence of relocation referred to in Rule 370.1 shall not be required.

The substantive amendments presented below shall apply to the specific articles indicated in each case:

370.5 In the event of the death of a staff member who at the time of death would have been eligible for the grant, payment shall be made to the spouse and dependent children who are repatriated at the expense of the Organization, subject to providing the evidence of relocation referred to in Rule 370.1 if required:

[...]

370.7 As a transitional measure, a staff member who completed at least one year of continuous service and was eligible for a repatriation grant under Rule 370 in effect on 30 June 2016, but who is no longer eligible for such a grant under the present Rule 370.1, shall be paid a repatriation grant in accordance with the rates and schedule set out in Rules 370.1.1 and 370.1.2 for the number of years of qualifying service accrued as of 30 June 2016.

440. APPOINTMENT PROCEDURE

[...]

440.4 For staff seconded to the Bureau from government service, the offer of appointment, notice of acceptance, and supporting documentation of the terms and conditions of secondment, as agreed by the Bureau, the releasing entity, and the staff member concerned, shall constitute evidence of the existence and validity of secondment from government service to the Bureau for the period stated in the offer of appointment. Any extension of appointment that continues the secondment status shall be subject to agreement by all parties concerned.

470. REINSTATEMENT UPON RE-EMPLOYMENT

470.1 Staff members, except those holding temporary appointments as defined in Rule 420.4, who are re-employed within one year of separation from the Bureau, may, at the option of the Bureau, be reinstated. In such cases they shall have restored to them the status which they held upon separation, and the intervening absence shall be charged to annual leave and special leave without pay as necessary. They shall refund to the Bureau all separation payments made to them.

550. WITHIN-GRADE INCREASE

[...]

550.3 Rule 550.2.2 applies to staff members in the professional and higher categories as defined in Staff Rules 420.2 and 420.3. It does not apply to those holding temporary appointments as defined in Rule 420.4 and to short-term service staff under Rule 1320.

The substantive amendments presented below shall apply to the specific articles indicated in each case:

550.3.1 Staff members holding temporary appointments as defined under Staff Rule 420.4 whose performance and conduct have been certified by their supervisors as being satisfactory shall be entitled to one within-grade salary increase—to step II of the relevant grade—upon completion of the first year of full-time service.

[...]

550.6 Service time shall accrue from the latest of the following actions:

565. REASSIGNMENT

[...]

565.3 So far as practicable, vacancies in posts in the professional and higher categories shall be filled by the reassignment of staff members in the interest of developing a versatile career staff. In accepting appointment, a staff member accepts the applicability of this policy to himself or herself.

610. WORKING HOURS AND ATTENDANCE

610.1 Full-time staff members may be called to duty at any time. The work week for each duty station is normally 40 hours. The days of the week and the working hours that constitute the normal work week shall be designated as the needs of the Bureau require.

640. HOME LEAVE

640.1 Home leave is granted so that a staff member in the professional or higher categories who is serving and residing outside the country of his or her recognized place of residence, and his or her spouse and eligible children, may spend a reasonable period of annual leave in the staff member's home country with a view to maintaining effective association with its culture, with family, and with national, professional, or other interests. Staff members may exercise home leave travel in a country other than that of their recognized place of residence under conditions established by the Bureau.

[...]

640.4 Staff members in the professional and higher categories shall be eligible for home leave as follows:

- (a) [...]
- (b) [...]
- (c) [...]

The substantive amendments presented below shall apply to the specific articles indicated in each case:

640.5 Eligible staff members, as defined in Rule 640.4, holding temporary fixed-term, or service appointments are granted home leave when:

650. SPECIAL LEAVE

[...]

650.7 Service credits shall not accrue toward sick, annual, or home leave, salary increment, mobility incentive, end-of-service grant, termination indemnity, or repatriation grant during periods of special leave without pay of more than 30 days.

730. COMPENSATION FOR ILLNESS, INJURY, OR DEATH ATTRIBUTABLE TO SERVICE

A staff member shall be entitled to compensation in the event of illness, injury, or death attributable to the performance of official duties on behalf of the Bureau, in accordance with rules established by the Bureau. In the event of the death of a staff member attributable to the performance of official duties on behalf of the Bureau, payment shall be made to the surviving spouse or dependents.

760. MATERNITY LEAVE

760.1 Staff members shall be entitled to maternity leave as established herein. This leave is paid with full salary and allowances.

760.2 Staff members holding fixed-term or service appointments who give birth to a child are entitled to 16 weeks of maternity leave, except that in the case of multiple births, maternity leave shall extend for a period of 20 weeks from the time it is granted. Maternity leave may commence within six weeks of the staff member's due date based on a certificate from a duly recognized medical practitioner or midwife indicating the expected date of birth. Maternity leave shall not terminate less than 10 weeks after the actual date of birth.

760.3 Staff members holding temporary appointments as defined in Rule 420.4 who give birth to a child are entitled to eight weeks of maternity leave, except that in the case of multiple births, maternity leave shall extend for a period of 10 weeks from the time it is granted.

[...]

The substantive amendments presented below shall apply to the specific articles indicated in each case:

760.5 Where both parents of a newborn child are staff members of the Pan American Sanitary Bureau, any unused portion of maternity leave granted under this Rule may be used by the other parent of the child, under conditions established by the Bureau.

765. PARENTAL LEAVE

765.1 Upon the birth of a child, a staff member who is the non-gestational parent shall be entitled to parental leave as established herein. This leave is paid with full salary and allowances.

765.2 Upon presentation of satisfactory evidence of the birth of his or her child, a staff member shall be entitled to parental leave. Parental leave must be exhausted within 12 months from the date of the child's birth.

765.3 Staff members holding fixed-term or service appointments shall be entitled to four weeks of parental leave. Parental leave may extend for a period of eight weeks in the case of:

765.3.1 Exceptional circumstances as determined by the Director;

765.3.2 Staff members in the professional and higher categories serving at a non-family duty station;

765.3.3 Adoption of a child, subject to conditions established by the Bureau, and upon presentation of satisfactory evidence of the adoption.

765.4 Staff members holding temporary appointments, as defined in Rule 420.4, shall be entitled to two weeks of parental leave, or four weeks in the case of adoption of a child subject to conditions established by the Bureau and upon presentation of satisfactory evidence of the adoption.

810. TRAVEL OF STAFF MEMBERS

[...]

810.5 On family visit, once in each interval between home leave eligibility dates (or once during an appointment of equivalent duration) from the duty station to the place where the staff member's spouse and children, as defined in Rule 820.1, are residing, and return to the official station, provided that:

The substantive amendments presented below shall apply to the specific articles indicated in each case:

820. TRAVEL OF SPOUSE AND CHILDREN

[...]

820.1.3 each such child for whom travel expenses have previously been paid by the Bureau, to the extent of the final one-way passage either to join the staff member at the duty station or to return to the country of the recognized place of residence within one year after ceasing to qualify as a dependent. The Bureau's financial responsibility shall be limited to the cost of one-way travel between the duty station and the recognized place of residence. However, if the Bureau has paid the round-trip travel expenses of the child under Rule 820.2.5.2, and the travel is completed after the end of the scholastic year in which the child reaches the age of 21, travel under this provision shall not be authorized;

820.1.4 a child for whom a staff member is entitled to the education grant under Rule 350.1.2, for purposes of travel under Rules 820.2.5.1, 820.2.5.2, and 820.2.5.4.

[...]

820.2.5 for a child with respect to whom there is an entitlement to boarding under an education grant in accordance with Rule 350 for study outside the commuting distance of the duty station, provided Rule 650 does not apply:

820.2.5.1 one-way passage from the duty station or elsewhere to the place of study to enter school for the first time; where the child has been residing with the staff member at the duty station, the cost to the Bureau is limited to that of travel from the duty station to the staff member's recognized place of residence; where the child has not joined the staff member at his or her duty station, the cost to the Bureau is limited to that of travel from the staff member's recognized place of residence to the duty station;

[...]

820.2.5.4 the final one-way passage defined in Rule 820.1.3 within one year after the child ceases to qualify for education grant under Rule 350.1.2, provided that such entitlement has not already been exercised under Rule 820.1.3. The Bureau's financial responsibility shall be limited to the cost of one-way travel between the duty station and the recognized place of residence. However, if round-trip travel provided to the child under Rule 820.2.5.2 is completed after the child ceases to qualify for an education grant under Rule 350.1.2, travel under this provision shall not be authorized;

The substantive amendments presented below shall apply to the specific articles indicated in each case:

830. TRAVEL PER DIEM

[...]

830.2 Rates of travel per diem, and the conditions under which they shall be payable to staff members, including for authorized family members, shall be established by the Bureau. The amount of the per diem is considered to represent an average payment in lieu of reimbursement of a portion of the actual incidental expenses occasioned by travel status.

870. EXPENSES ON DEATH

[...]

870.2 A deceased staff member's spouse and child(ren) shall receive a travel and relocation shipment benefit to any place, provided that the Bureau had an obligation to repatriate them under Rule 820.2.7 and that the cost to the Bureau does not exceed that for travel and transportation to the deceased staff member's recognized place of residence. Reimbursement for relocation shipment is determined by Rule 855.1.

1030. TERMINATION FOR REASONS OF HEALTH

1030.1 When, for reasons of health and on the advice of the Staff Physician, it is determined that a staff member is incapable of performing his or her current duties, his or her appointment shall be terminated. The staff member shall be given three months' notice if serving on a service or fixed-term appointment and one month's notice if serving on a temporary appointment. The staff member shall always have the option of resigning.

[...]

1030.3 A staff member whose appointment is terminated under this Rule:

1030.3.1 may be entitled to a disability benefit in accordance with the rules of the Pension Fund;

1030.3.2 may be entitled to a disability payment in accordance with the terms of the insurance coverage provided for in Rule 720.2;

1030.3.3 shall receive a termination payment at the rates set out in Rule 1050.4, provided that the amount due under that Rule, together with any periodic disability benefits due in the 12 months following termination and payable under the provisions of Section 7, shall not exceed one year's terminal remuneration;

The substantive amendments presented below shall apply to the specific articles indicated in each case:

1210. NON-CONFIRMATION OF APPOINTMENT

1210.1 A staff member may appeal against a decision taken under Rule 1060 not to confirm his or her appointment because of unsatisfactory performance or conduct, or because of unsuitability for international service, if he or she considers that such decision has been made for reasons not connected with his or her performance, conduct, or suitability for international service. Such an appeal must be made in writing to the Director within 60 calendar days of receipt of notice of non-confirmation. The Director's decision shall be final and none of the other appeal procedures described in this section shall apply, except as provided in Rule 1240 and Rule 1245.

1230. BOARD OF APPEAL

[...]

1230.4 The Chairperson and the members of the Board of Appeal are eligible for re-appointment or re-election at the end of their terms.

1230.5 The following provisions shall govern the conditions of appeal:

1230.5.1 No staff member shall bring an appeal before the Board until all the existing administrative channels have been tried and the action complained of has become final. An action is final when it has been taken by the Organization's senior human resources management official and the staff member has received written notification of the action.

1230.5.2 If the staff member has submitted a written request relating to his or her appointment status, the request shall be deemed to have been rejected and such rejection shall be subject to appeal as if final action had been taken on it as in Rule 1230.1 above if no definitive reply to that request has been made within 60 calendar days.

1230.5.3 A staff member wishing to appeal against a final action must dispatch to the Board, within 60 calendar days after receipt of such notification, a written statement of intent to appeal, specifying the action against which the appeal is made and the subsection(s) of Rule 1230.1 under which the appeal is filed.

1230.6 The Board Chairperson shall convene an Examining Appeal Panel to hear each appeal case. The Examining Appeal Panel shall consist of the following three Board members, each of whom has an equal vote and at least one of whom is from the same staff category to which the appellant belongs:

The substantive amendments presented below shall apply to the specific articles indicated in each case:

1230.6.1 The Board Chairperson;

1230.6.2 One Board member from the panel designated by the Director; and

1230.6.3 One Board member from the panel elected by the staff.

1230.7 Using a system of rotation, the Board Chairperson shall nominate two members of the Board of Appeal to participate on an Examining Appeal Panel. The appellant and the Administration shall each have the right to object to any member nominated by the Chairperson, in accordance with procedures set forth in the Board of Appeal Rules of Procedure.

1230.8 The reporting procedure of the Board of Appeal shall be as follows:

1230.8.1 The Board Chairperson shall submit the findings and recommendations of an Examining Appeal Panel to the Director within 120 calendar days of:

- 1) the date that all pleadings and relevant documentation have been received by the Examining Appeal Panel; or
- 2) the conclusion of an oral hearing, and receipt of any relevant documentation requested by the Examining Appeal Panel during the hearing.

This period may be extended by the Board Chairperson if both the appellant and the Administration agree.

1230.8.2 The final decision in appeal matters heard by the Board of Appeal rests with the Director, who shall inform the appellant of his or her decision within 60 calendar days of receipt of the Examining Appeal Panel's report. A copy of the report shall accompany the decision. If no decision is taken by the Director within this period, the recommendations of the Examining Appeal Panel shall be deemed to have been rejected and such rejection shall be subject to appeal, as provided in Rule 1240, as if a final action had been taken.

1230.9 The Organization shall establish Rules of Procedure to be followed by the Board of Appeal in all appeal matters filed with the Board under this Section.

The substantive amendments presented below shall apply to the specific articles indicated in each case:

1245. EFFECT OF APPEALS ON ADMINISTRATIVE ACTION

The filing of an appeal under any of the procedures described in this section shall not constitute grounds for delaying the administrative action against which the appeal is made.

1310. STAFF IN POSTS SUBJECT TO LOCAL RECRUITMENT

[...]

1310.5 At designated duty stations, a mobility incentive and hardship allowance may be payable to staff members described in Rule 1310.4 in accordance with the conditions defined under Rule 360 and at the rates payable to staff in grades P.1 through P.3. The Bureau shall establish, on the basis of procedures agreed among the international organizations in the United Nations common system, the criteria under which the mobility incentive and hardship allowance may be payable.

(Fourth meeting, 23 June 2020)