

Fourteenth session of the Assembly
Abu Dhabi, 15 January 2024

**Report of the Director-General
Proposed Amendment to Staff Rule 105.3 Types of Appointment
including Clarifications and Questions**

I. Background

1. During the twenty-fifth meeting of the Council the Director-General presented report C/25/5 on the Proposed Amendment to Staff Rule 105.3 Types of Appointment. The proposed amendment was introduced as per staff regulation 13.2 that provides that the Director-General, as the chief administrative officer of the Agency, shall enforce such Staff Rules as he or she considers necessary in order to implement Staff Regulations. Therefore, as a point of clarification the Director-General introduced provisional amendment to Staff Rule 105.3 through the introduction of provisional rule 105.3(d) which clarifies the calculation of length of service for staff appointed from the General Service category to the Professional category.

The proposed amendment as contained in Annex 1 to this document reads:

“(d) For staff appointed to the Professional category from the General Service category after the appropriate competitive examination, time served in the General Service category shall not be taken into account in calculating their length of service for the purposes of paragraph (b) above”

2. Members considered the proposed amendment and requested further clarifications and answers to questions to be presented at the twenty-sixth meeting of the Council.
3. At the twenty-sixth meeting of the Council the Director-General presented report C/26/5 entitled “Proposed Amendment to Staff Rule 105.3 Types of Appointment - Clarifications and Questions Relating to Staff Rule 105.3”.
4. Members considered the information presented and agreed to take note of the proposed change to Staff Rule 105.3 contained in Annex 1 to this document.

II. Clarifications and Questions

5. During the twenty-fifth meeting of the Council on 23-24 May 2023 various points of clarification were sought for presentation at the twenty-sixth meeting of the Council.

The clarifications requested were as follows:

- a. How many staff have or are planning to change from General Service to Professional Staff?
- b. What is the entry level for both General Service and Professional Staff?
- c. What are the entry requirements for General Service and how would this change when it comes to shifting to Professional Staff?
- d. What are the rules and procedures of other organizations?
- e. Has a full analysis of policies been done if fully implementing the proposed amendment?
- f. What are the expectations toward further amendments?
- g. What is the policy concerning the employment of ex-staff as consultants after having reached maximum tenure limits? A draft policy is requested for the next Council meeting.

III. Clarifications Provided

6. How many staff have or are planning to change from General Services to Professional Staff?

There are five (5) staff members that have changed or are planning to change from General Service to Professional staff as follows:

Job title	Incumbent Grade	Division	EOD Date at GS level	EOD Date at P-level
General Services Manager	P4	AMS	1-Sep-2011	1-Feb-2014
Associate Internal Auditor	P2	ODG	4-May-2014	1-June-2018
Associate Finance Officer	P1	AMS	18-Oct-2011	1-Oct-2020
Associate Web and Systems Developer	P2	PFS	21-Jul-2015	1-Oct-2022
Associate Programme Officer-Coalition for Action	P1	KPFC	06-Jan-2013	25-Sep-2023

The General Services Manager (1 Feb 2014) and Associate Internal Auditor (1 June 2018) were appointed to professional staff via direct appointment with a note to file.

The Associate Finance officer (1 Oct 2020), Associate Web Systems Developer (1 Oct 2022) and Associate Programme Officer-Coalition for Action (25 Sep 2023) were appointed via vacancy announcement advertisement, competitive examination, competitive interview process with recommendation by a panel of three staff to the Director-General who approved the selection.

7. What is the entry level for both General Services and Professional Staff?

The entry level for General Services in administrative posts is at the GS4 level. The entry level for Professional staff is at the P1/P2 level.

8. What are the entry requirements for General Services and how would this change when it comes to shifting to Professional Staff?

The entry level requirements for a GS4 post of Administrative Assistant are as follows:

- (a) Education: High school diploma or equivalent
- (b) Experience: A minimum of four years' experience in administrative services, office management or related field. Previous work experience in international institutions, embassies, or other governmental entities is an asset.
- (c) Skills: Good knowledge of MS Office with emphasis on Word, Excel, and Outlook. Excellent command of written and spoken English.

The entry level requirements for P1/P2 Associate Programme Officer are as follows:

- (a) Education: Advanced university degree (Masters' degree or equivalent) in a related field is required. A first-level university degree in combination with two additional years of qualifying experience may be accepted in lieu of the advanced university degree.
- (b) Experience: A minimum of two years' experience in a related field. Previous work experience in international institutions, embassies, or other governmental entities is an asset.
- (c) Skills: Good knowledge of MS Office with emphasis on Word, Excel and Outlook. Excellent command of written and spoken English.

All applicants to a Professional Staff level post are required to meet all the vacancy announcement requirements in order to be considered as a candidate.

9. What are the rules and procedures of other organizations?

IRENA has research tenured organizations, and United Nations organizations as comparators. The findings are as follows:

IV. Tenured Organizations¹

10. IAEA:

- a) GS staff are not subject to tenure limitations therefore, staff that are appointed from GS to Professional Staff category do not have time served in GS category counted for purposes of determining Professional Staff tenure.
- b) for hiring from GS to Professional Staff category, the GS staff member must meet the experience and educational requirements of the vacancy profile for the Professional Staff position. The staff member retains a return right to GS when maximum Professional staff category tenure is reached.

11. OPCW:

- a) GS staff are not subject to tenure limitations therefore, staff that are appointed from GS to Professional Staff category do not have time served in GS category counted for purposes of determining Professional Staff tenure.
- b) for hiring from GS to Professional staff category, the GS staff member must meet the experience and educational requirements of the vacancy profile for the Professional Staff position.

12. OSCE

- a) GS staff are not subject to tenure limitations therefore, staff that are appointed from GS to Professional Staff category do not have time served in GS category counted for purposes of determining Professional Staff tenure.
- b) for hiring from GS to Professional staff category, the GS staff member must meet the experience and educational requirements of the vacancy profile for the Professional Staff position.

13. CTBTO:

- a) GS staff are not subject to tenure limitations therefore, staff that are appointed from GS to Professional Staff category do not have time served in GS category counted for purposes of determining Professional Staff tenure.
- b) for hiring from GS to Professional staff category, the GS staff member must meet the experience and educational requirements of the vacancy profile for the Professional Staff position.

¹ Information derived from meetings with Director of Human Resources (HR) OSCE on 14 June 2023, Chief of HR OPCW on 15 June 2023, ex-Chief of HR IAEA on 13 June 2023, and Executive Secretary Office of CTBTO on 13 May 2023.

14. In summary, for tenured organizations IAEA, OPCW, OSCE, and CTBTO General Service staff are not subject to tenure limitations and for staff appointed from GS to Professional staff category time served in a General Service capacity is not counted for purposes of determining Professional Staff tenure limits. With regards to appointing from GS staff category to Professional Staff category the candidate must meet the experience and educational requirements of the vacancy profile for a Professional staff position.

As a further comparison, sample UN organization requirements are provided below:

- (a) World Health Organization (WHO): As per HR e-manual III 4.1, paragraph 220 “general service staff who do not meet minimum educational qualifications specified in a vacancy notice may be considered eligible to apply for professional positions up to and including P-3 if:
 - i. It can be demonstrated that they have full body of the knowledge required for the position in question.
 - ii. They have a minimum of six years of progressive WHO/UN experience relevant to the vacancy.
- (b) United Nations Development Programme (UNDP): UNDP policy on “Support to Career Progression for Locally Recruited Staff” reads: “In support of career progression of UNDP GS staff in Headquarters locations, staff possessing a first level university degree in combination with at least 10 years of continuous service with a Fixed Term or continuous appointment, may be considered for Professional posts that have been advertised with the Masters’ degree or equivalent requirement, provided they meet all other selection criteria.”
- (c) United Nations Secretariat provides requirements for GS to Professional Staff transfer under ST/AI/2012/2/rev.1 summarized as follows:
 - i. The movement of staff from G to P is limited to P-1 and P-2 posts;
 - ii. The recruitment from G to P should be conducted through competitive methods of selection;
 - iii. The staff member must have post-secondary educational qualifications;
 - iv. The staff member must have a minimum of five years of continuous service with the Organisation;

- v. The staff member must hold an appointment valid for a minimum of six months or expected to be extended for a minimum of six months from the date the written examination is scheduled to take place;
 - vi. The staff member must have a rating of at least “successfully meets performance expectations” in their last two performance assessments.
15. Has a full analysis of policies been done if fully implementing the proposed amendment?
- Yes, Staff Regulations and Staff rules and Staff Directives of IRENA have been reviewed. Criteria has been added to the IRENA recruitment policy as follows:
- GS Staff may be considered for P Level positions subject the following conditions:
- (a) *The movement of staff from G to P is limited to posts up to P2 level;*
 - (b) *The recruitment from G to P should be conducted through competitive methods of selection;*
 - (c) *The staff member must meet the minimum requirements of the job in terms of both work experience and educational qualifications;*
 - (d) *The staff member must have a minimum of five years of continuous service with the Agency;*
 - (e) *The staff member must hold an IRENA appointment valid for a minimum of six months or expected to be extended for a minimum of six months from the date the selection decision;*
 - (f) *The staff member must have a rating of at least “fully meets expectations” in their last two performance assessments.*
16. What are the expectations toward further amendments?
- No further amendments to Staff Rule 105.3 are expected.
17. What is the policy concerning the employment of ex-staff as consultants after having reached maximum tenure limits?
- (a) A draft directive concerning engagement of former staff as consultants was presented to the Council at its twenty-sixth meeting, as contained in Annex 3 to the Report of the Director-General – Break-in-Service and Consultants (C/26/6), Annex 3.

V. Considerations

18. The Agency has taken into account deliberations of past Council meetings and Assembly sessions on this issue. The Director-General recommends consideration by Members of provisions similar to those which are in effect in other international tenured organisations. The proposed amendment to Staff Rule 105.3 as contained in Annex 1 to this report is submitted, through the Council, to the Assembly.

**Annex 1
Revised Staff Rules**

Proposed revisions to staff Rules in track changes	Final text of the staff rules reflecting the proposed revisions	Explanatory comments on the proposed revision
<p>Rule 105. 3 Types of Appointment</p> <p>a) Staff members may be granted fixed-term or temporary appointments, as defined below. No appointment carries any expectation of renewal or conversion to any other type of appointment, irrespective of the length of service or its extension.</p> <p>b) A “fixed-term appointment” is a time-limited appointment of one year or longer. The initial period shall normally not exceed three years. The total length of service on fixed- term appointments for staff at the professional level and above shall normally not exceed seven years. The Director- General may extend this maximum period once for a period of up to two years, provided that such an extension may be made only when there is a documented record of good performance and of the need to ensure continuity of the work of the. Agency. The maximum length of service applicable to staff at the professional level and above shall not apply to staff in the general service category.</p> <p>c) 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. The appointment of a staff member who has served for the maximum period may be extended up to a total continuous period of less than two years when warranted by surge requirements and operational needs related to special projects with finite mandates.</p> <p>d) <i><u>For staff appointed to the Professional category from the General Service category after the appropriate competitive examination, time served in the General Service category shall not be taken into account in calculating their length of service for the purposes of paragraph (b) above.</u></i></p>	<p>Rule 105. 3 Types of Appointment</p> <p>a) Staff members may be granted fixed-term or temporary appointments, as defined below. No appointment carries any expectation of renewal or conversion to any other type of appointment, irrespective of the length of service or its extension.</p> <p>b) A “fixed-term appointment” is a time-limited appointment of one year or longer. The initial period shall normally not exceed three years. The total length of service on fixed- term appointments for staff at the professional level and above shall normally not exceed seven years. The Director- General may extend this maximum period once for a period of up to two years, provided that such an extension may be made only when there is a documented record of good performance and of the need to ensure continuity of the work of the. Agency. The maximum length of service applicable to staff at the professional level and above shall not apply to staff in the general service category.</p> <p>c) 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. The appointment of a staff member who has served for the maximum period may be extended up to a total continuous period of less than two years when warranted by surge requirements and operational needs related to special projects with finite mandates.</p> <p>d) For staff appointed to the Professional category from the General Service category after the appropriate competitive examination, time served in the General Service category shall not be taken into account in calculating their length of service for the purposes of paragraph (b) above.</p>	<p>Change necessary to clarify that the time served in general service category shall not be taken into account in the calculation of Professional Category tenure</p>