



*executive committee of
the directing council*

PAN AMERICAN
HEALTH
ORGANIZATION

*working party of
the regional committee*

WORLD
HEALTH
ORGANIZATION



86th Meeting
Washington, D.C.
June-July 1981

Provisional Agenda Item 18

CE86/11 (Eng.)
14 April 1981
ORIGINAL: ENGLISH

AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU

In accordance with the provisions of Staff Rule 020, the Director submits to the Executive Committee as Annex to this document, for confirmation, the amendments to the Staff Rules he has made since the 84th Meeting.

These revisions are in line with those adopted by the Executive Board of the World Health Organization at its Sixty-seventh Session (Resolution EB67.R16) and are in compliance with paragraph 2 of Resolution XIX adopted by the Executive Committee at its 59th Meeting (1968), which requested the Director to continue to introduce changes as he deems necessary to maintain close similarity between the provisions of the Staff Rules of PASB and those of WHO.

Some of these amendments result from the decisions taken by the United Nations General Assembly at its thirty-fifth session (1980) on the recommendations of the International Civil Service Commission. Others arise from the inter-agency consultations carried out in 1980 by the Consultative Committee on Administrative Questions of the Administrative Committee on Coordination. Still others are considered necessary in the interests of conformity with WHO and good personnel management.

The Executive Committee is invited to consider a proposed resolution confirming the amendments, effective 1 January 1981.

1. Amendments stemming from decisions taken by the United Nations General Assembly on the recommendations of the International Civil Service Commission

<u>Rule No.</u>	<u>Summary of Changes</u>
310.4	The <u>definition of pensionable remuneration</u> has been changed to that given in the Regulations of the United Nations Joint Staff Pension Fund. Rules 310.4.1, 310.4.1.1, 310.4.1.2, 310.4.2, 310.4.2.1, 310.4.2.2 and 310.4.3 have been deleted.
330.1	The change clarifies that the pensionable remuneration figures used in calculating <u>terminal payments</u> are subject to the percentage rates of assessment.
330.1.1	Thirty points of post adjustment have been consolidated into the net base salaries of the professional and higher categories of staff on the "no gain/no loss" principle. In order to give effect to that principle, <u>new assessment rates</u> have been established.
330.1.2	<u>New assessment rates</u> have also been established for the general service category. The revised scale of staff assessment will be applied from the date of the next revision to the general service salary scales at the different official stations.
330.2 335.3 335.4	The consolidation of 30 points of post adjustment into net base salary and the consequent changes in the staff assessment rates mentioned above have required increases in the <u>schedules of salaries</u> and reductions in <u>post adjustment rates</u> for professional staff, following the principle of "no gain/no loss."
350.1 350.2.2 355	The maximum amount reimbursable under the <u>education grant</u> has been increased from US\$2,250 to US\$3,000, and that under special education grant for disabled children from US\$3,000 to US\$3,750. The flat amount payable for boarding costs has been increased from US\$750 to US\$1,100.

2. Amendments based on decisions taken by the Consultative Committee on Administrative Questions

<u>Rule No.</u>	<u>Summary of Changes</u>
310.5.1.1 310.5.1.2	The <u>definition of dependent spouse</u> is changed so that the limit on earnings below which the spouse is recognized as a dependent is the same for professional and general service staff members, with the proviso that a floor is established for staff in the professional category.
310.5.2 350.1.2	The <u>definition of dependent child</u> is changed to the effect that the marital status criterion for older children is removed. The term "physically or mentally incapacitated" is now more precisely defined.
310.5.3	Changes of a minor nature have been introduced to the <u>definition of secondary dependent</u> .
340.2	<u>Secondary dependents' allowance</u> is now payable to a staff member even if he is in receipt of an allowance for a child, but it continues not to be payable if he has a dependent spouse.
760.1	The minimum of 10 months' continuous service previously required to qualify for <u>maternity leave</u> has been abolished.
1083	No appointment of a staff member may be terminated (as distinct from the expiration of a fixed-term contract) during <u>maternity leave</u> for reasons other than serious misconduct.

3. Other changes

Modifications to existing Staff Rules have been made in the following areas in the interests of conformity with WHO and good personnel management:

<u>Rule No.</u>	<u>Summary of Changes</u>
320.3.1 320.3.2	Some minor editorial changes have been made for the sake of greater precision. Staff Rule 320.3 on <u>reduction in grade</u> has been split into Rules 320.3.1 and 320.3.2.

<u>Rule No.</u>	<u>Summary of Changes</u>
340.1	In addition to <u>reducing the allowance paid for a child</u> by the amount of any other benefit paid from public sources, a reduction may now also be made if under public law a benefit is paid by an employer.
365.1 365.1.2 365.3	Some modifications have been made to confirm existing practices in payment of <u>installation allowance</u> .
370.1	While no changes have been made in substance, a minor editorial change has been made in the Spanish version of Staff Rule 370.1 on <u>repatriation grant</u> for greater clarity and harmony with the English version.
480.1.2 480.1.3 480.1.4	Modifications have been made to clarify the consequences of <u>transfer from another organization to PASB</u> , including the suspension of those entitlements which depend on satisfactory completion of the probationary period.
490.1 490.2 490.3 490.4	The <u>responsibility of staff members to supply information on appointment</u> , and to notify the Bureau of subsequent changes, has been made clear in new Staff Rules.
655.2.4 820.2.5	Periods of leave without pay of more than one third of a scholastic year are now equated, for the purposes of <u>education grant and related travel</u> , to periods of non-employment with the Bureau; hence the education grant for that year is proportionately reduced and education grant travel is not paid.
810.5.1 820.1.3 820.1.4 825	<u>Children studying away from the official station</u> may now visit the staff member once a year instead of once every two years, provided that the staff member has not been joined by any member of the family. As a consequence, Rule 820.2.5.3 has been deleted and Rule 820.2.5.4 renumbered as 820.2.5.3.
820.1.4 820.2.5.4	Consequent upon the extension, under certain circumstances, of education grant up to age 25, <u>final one-way travel of children</u> either home or to join the staff member may now be exercised up to age 25 instead of 21.

820.2.6 Staff members away from Headquarters who are not
870.1 joined by their family at the official station may
870.2 forgo their own entitlement to travel home in be-
tween home leave and have the spouse's travel to and
from the official station paid instead. As a conse-
quence, former Rules 820.2.6 and 820.2.8 have been
renumbered 820.2.7 and 820.2.9, respectively, and
Rule 820.2.7 amended and renumbered 820.2.8.

1020.2 In the past, early retirement had to be designated
as "resignation." In order to allow a more accurate
designation, new Staff Rule 1020.2 has been added
and Staff Rule 1020 renumbered 1020.1.

1085 It is now clarified that, if a staff member who
is leaving the Bureau fails to undergo the exit
medical examination within a reasonable time limit,
the Bureau will not entertain subsequent claims
against it for health conditions which allegedly
arose prior to the separation date. Furthermore,
the effective date of separation will not be
affected.

1230.3.1 Time limits have been introduced for the Boards
1230.3.2 of Inquiry and Appeal to submit their findings and
1230.3.3 recommendations and for the Director or Area Repre-
sentatives to inform appellants of their decisions.

4. Budgetary Implications

The amendments proposed in Sections 1, 2, and 3 above have limited financial implications, and it is, therefore, not proposed to request additional funds.

After considering the amendments, the Executive Committee may wish to approve a resolution along the following lines:

Proposed Resolution

AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU
THE EXECUTIVE COMMITTEE,

Having considered the amendments to the Staff Rules of the Pan American Sanitary Bureau submitted by the the Director in the Annex to Document CE86/11;

Recognizing the need for uniformity of conditions of employment of PASB and WHO staff; and

Bearing in mind the provisions of Staff Rule 020,

RESOLVES:

To confirm the amendments to the Staff Rules of the Pan American Sanitary Bureau submitted by the Director in the Annex to Document CE86/11, effective 1 January 1981.

Annex

AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU

Texts of the amended Staff Rules

310. DEFINITIONS

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310.4 "Pensionable remuneration" is, subject to the terms of the staff member's appointment, the amount 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 based on the staff member's gross base salary in the professional category.

310.4.1, 310.4.1.1 and 310.4.1.2 (Deleted)

310.4.2, 310.4.2.1 and 310.4.2.2 (Deleted)

310.4.3 (Deleted)

.....

310.5.1.1 in the case of professional staff, a limit equivalent to the gross base salary of the lowest general service category entry level in force on 1 January of the year concerned at the place of work of the staff member's spouse; however, such limit shall not be less than the lowest general service category entry level in force on the same date at the base city of the professional salary system;

310.5.1.2 for general service staff, a limit equivalent to the gross base salary of the lowest general service category entry level in force on 1 January of the year concerned at the place of work of the staff member's spouse;

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310.5.2 a child as defined by the Director and for whom the staff member certifies that he provides the main and continuing support, provided that the child is under 18 years of age or, if in full-time attendance at a school or university, under the age of 21 years. Age and school attendance requirements shall not apply if the child is physically or mentally incapacitated for substantial gainful employment either permanently or for a period expected to be of long duration. If both parents are staff members of international organizations applying the common system of salaries and allowances, the children, if determined dependent, shall be recognized as the dependants of the parent holding the higher level post.

310.5.3 a father, mother, brother or sister (not more than one such dependant may be claimed), if the staff member demonstrates that he provides more than half the total support and, in any case, at least twice the amount of the allowance claimed, and provided that the brother or sister shall be subject to the same age and school attendance conditions as stated in Rule 310.5.2 for a child.

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320. SALARY DETERMINATIONS

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320.3 On reduction in grade:

320.3.1 due to reasons other than unsatisfactory performance, unsuitability for international service, or misconduct, the net base salary of a staff member shall be fixed at that step in the lower grade that corresponds to his current net base salary, or at the step nearest below if there is no exactly corresponding step;

320.3.2 due to unsatisfactory performance, unsuitability for international service, or misconduct, the net base salary may be fixed at a lower step in the lower grade.

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330. SALARIES

330.1 Gross base salaries, and pensionable remuneration figures used for computation of separation payments under Rule 380.2, shall be subject to the following assessments:

330.1.1 For professional and higher graded staff:

<u>Amounts per year</u>	<u>Assessment per cent.</u>	
	<u>Rate with dependants*</u>	<u>Rate without dependants*</u>
	(*as defined in Rules 310.5.1 and 310.5.2)	
First US\$ 16 000	14.7	19.4
Next US\$ 4 000	31.0	36.0
Next US\$ 4 000	34.0	39.1
Next US\$ 4 000	37.0	42.1
Next US\$ 5 000	39.0	44.7
Next US\$ 5 000	42.0	47.7
Next US\$ 5 000	44.0	49.9
Next US\$ 6 000	47.0	52.6
Next US\$ 6 000	50.0	55.5
Next US\$ 6 000	52.0	57.5
Next US\$ 7 000	53.5	58.9
Next US\$ 7 000	55.0	59.9
Next US\$ 7 000	56.0	60.9
Next US\$ 8 000	57.0	62.1
Over US\$ 90 000	59.0	64.5

330.1.2 For the general service category, except for non-resident's and language allowances (see Rule 380.2.3):

<u>Amounts per year</u>	<u>Assessment per cent.</u>
First US\$ 2 000	7.0
Next US\$ 2 000	11.0
Next US\$ 2 000	15.0
Next US\$ 2 000	19.0
Next US\$ 4 000	22.0
Next US\$ 4 000	25.0
Next US\$ 4 000	28.0
Next US\$ 6 000	32.0
Next US\$ 6 000	35.0
Next US\$ 6 000	38.0
Next US\$ 8 000	41.0
Over US\$ 46 000	43.0

Level	S T E P S													
	I US\$	II US\$	III US\$	IV US\$	V US\$	VI US\$	VII US\$	VIII US\$	IX US\$	X US\$	XI US\$	XII US\$	XIII US\$	
P-1	Gross	18 200	18 964	19 740	20 516	21 318	22 120	22 935	23 724	24 513	25 285			
	Net D	15 166	15 693	16 229	16 749	17 278	17 807	18 345	18 866	19 371	19 858			
	Net S	14 304	14 793	15 290	15 770	16 259	16 747	17 243	17 724	18 189	18 636			
P-2	Gross	24 233	25 097	25 967	26 832	27 706	28 589	29 492	30 387	31 285	32 184	33 078		
	Net D	19 195	19 739	20 287	20 832	21 383	21 927	22 478	23 024	23 572	24 120	24 663		
	Net S	18 027	18 527	19 031	19 532	20 038	20 534	21 033	21 528	22 025	22 522	23 014		
P-3	Gross	30 518	31 589	32 648	33 713	34 814	35 939	37 055	38 157	39 202	40 237	41 282	42 315	43 475
	Net D	23 104	23 757	24 403	25 032	25 670	26 323	26 970	27 606	28 191	28 771	29 356	29 934	30 517
	Net S	21 600	22 193	22 778	23 346	23 922	24 510	25 094	25 667	26 190	26 709	27 232	27 750	28 271
P-4	Gross	38 167	39 398	40 630	41 862	43 101	44 367	45 627	46 887	48 211	49 547	50 884	52 173	
	Net D	27 612	28 301	28 991	29 681	30 372	31 043	31 710	32 378	33 080	33 772	34 440	35 085	
	Net S	25 672	26 288	26 906	27 523	28 141	28 741	29 338	29 935	30 563	31 180	31 775	32 349	
P-5	Gross	48 661	50 086	51 495	52 856	54 218	55 605	57 005	58 405	59 818	61 231			
	Net D	33 318	34 041	34 746	35 426	36 107	36 788	37 460	38 132	38 811	39 485			
	Net S	30 776	31 420	32 047	32 653	33 259	33 864	34 459	35 054	35 655	36 252			
P-6/ D-1	Gross	55 919	57 732	59 531	61 342	63 193	64 998	66 755						
	Net D	36 939	37 809	38 673	39 537	40 398	41 237	42 054						
	Net S	33 998	34 768	35 533	36 298	37 058	37 800	38 522						
D-2	Gross	67 009	68 931	70 908	72 927									
	Net D	42 172	43 052	43 942	44 850									
	Net S	38 627	39 407	40 200	41 010									

D - Rate applicable to staff members with a dependent spouse or dependent child
S - Rate applicable to staff members with no dependent spouse or dependent child.

33.2 The following schedule of annual gross base salaries and of annual net base salaries shall apply to all professional category and directors' posts:

335.3 The following schedule of positive post adjustment rates applies to cost-of-living indices above the base:

Additions:

Level		S T E P S												
		I US\$	II US\$	III US\$	IV US\$	V US\$	VI US\$	VII US\$	VIII US\$	IX US\$	X US\$	XI US\$	XII US\$	XIII US\$
P-1	D	135.08	139.65	144.18	148.74	153.30	157.84	162.69	166.66	170.94	175.22			
	S	126.91	131.23	135.53	139.84	144.16	148.19	152.50	156.24	160.29	164.03			
P-2	D	169.42	174.53	179.03	183.88	188.67	193.50	198.32	202.84	207.66	212.49	217.00		
	S	159.05	163.32	167.60	171.92	176.50	180.81	185.11	189.40	193.72	198.00	202.30		
P-3	D	203.93	209.79	215.03	220.02	225.58	231.16	237.00	242.60	247.34	251.80	256.53	260.99	266.06
	S	190.21	195.56	200.31	204.77	209.84	214.89	220.26	225.35	229.59	233.54	238.06	242.00	246.59
P-4	D	242.89	248.36	253.86	259.02	265.11	269.72	274.34	278.97	283.81	289.93	295.70	301.26	
	S	225.65	230.61	235.60	240.30	245.58	249.72	253.83	257.96	262.35	267.64	272.98	278.03	
P-5	D	289.79	294.25	298.49	302.78	307.64	311.64	316.55	321.16	325.73	330.02			
	S	267.75	271.75	275.52	279.31	283.70	286.94	291.36	295.46	299.28	303.39			
P-6/ D-1	D	315.32	320.80	325.96	331.42	336.61	342.16	347.44						
	S	290.33	295.35	299.78	304.49	308.95	313.76	318.56						
D-2	D	347.25	354.80	362.31	369.82									
	S	318.40	324.91	331.73	338.24									

D - Rate applicable to staff members with a dependent spouse or dependent child.
 S - Rate applicable to staff members with no dependent spouse or dependent child.

Deductions:

Level	S T E P S												
	I US\$	II US\$	III US\$	IV US\$	V US\$	VI US\$	VII US\$	VIII US\$	IX US\$	X US\$	XI US\$	XII US\$	XIII US\$
P-1 D	121.27	125.47	129.72	133.94	138.15	142.36	146.67	150.74	154.85	158.85			
P-1 S	114.10	118.02	122.00	125.94	129.82	133.66	137.59	141.33	145.12	148.76			
P-2 D	153.39	157.91	162.29	166.65	171.06	175.41	179.82	184.19	188.57	192.95	197.30		
P-2 S	143.80	147.88	151.92	155.88	159.93	163.89	167.90	171.91	175.88	179.86	183.83		
P-3 D	184.83	190.05	195.22	200.25	205.35	210.57	215.75	220.84	225.52	230.16	234.84	239.47	244.12
P-3 S	172.47	177.22	181.91	186.47	191.11	195.85	200.54	205.14	209.36	213.54	217.80	221.97	226.15
P-4 D	220.88	226.40	231.92	237.44	242.97	248.25	253.49	258.73	264.23	269.79	275.29	280.54	
P-4 S	205.18	210.17	215.16	220.15	225.09	229.84	234.54	239.24	244.18	249.14	254.08	258.78	
P-5 D	266.47	272.23	277.83	283.20	288.66	293.97	299.38	304.74	310.15	315.51			
P-5 S	246.20	251.36	256.35	261.16	266.04	270.73	275.55	280.33	285.10	289.91			
P-6/ D	295.35	302.25	309.15	316.05	322.93	329.55	335.97						
D-1 S	271.97	278.14	284.26	290.38	296.46	302.31	308.01						
D-2 D	336.77	344.05	351.33	358.70									
D-2 S	308.72	315.14	321.60	328.07									

D - Rate applicable to staff members with a dependent spouse or dependent child.
 S - Rate applicable to staff members with no dependent spouse or dependent child.

335.4 The following schedule of negative post adjustment rates applies to cost-of-living indices below the base:

340. DEPENDANTS' ALLOWANCES

340.1 US\$ 450 per annum for a child, except that in cases where there is no dependent spouse the first dependent child is not entitled to an allowance. If the official station currency is other than the US dollar the basic amount of the allowance for each eligible child shall not be less than that other currency's equivalent of US\$ 450 at 1 January 1975. Nevertheless an entitlement shall be reduced by the amount of any benefit paid from any other public source by way of social security payments, or under public law, by reason of such child.

340.2 US\$ 300 per year for a father, mother, brother or sister, provided that the staff member does not have a recognized dependent spouse as defined in Rule 310.5.1. If, however, the official station currency is other than the US dollar the amount payable shall not be less than that other currency's equivalent of US\$ 300 at 1 January 1977.

350. EDUCATION GRANT

350.1 An internationally recruited staff member shall be entitled to an education grant, except as indicated in Rule 350.3. The total payments per child per year made under this Rule may not exceed US\$ 3000, and shall be made according to the following scale:

<u>Education costs</u>	<u>Reimbursement</u>
Up to first US\$ 3 000	75%
next US\$ 1 000	50%
next US\$ 1 000	25%

The rate of exchange to be applied for computing the amount to be reimbursed under the above scale for expenses incurred in a currency other than the US dollar shall be the rate in force at 1 January 1977 or that in force at the date when the reimbursement is made, whichever is the higher.

350.1.2 each child as defined under Rule 310.5.2, after such child has reached the age of 21 and not beyond the scholastic year in which he reaches the age of 25, up to the end of the fourth year of post-secondary studies or award of the first recognized degree, whichever is earlier.

350.2.2 the cost of full-time attendance at an educational institution outside the country or area of the official station, including the cost of board if provided by the institution. Where board is not provided by the institution, a flat amount of US\$ 1100 per year is paid in lieu;

355. SPECIAL EDUCATION GRANT FOR DISABLED CHILDREN

A staff member, except for short-term staff members appointed under Rule 1320 or consultants appointed under Rule 1330, is entitled to a special education grant in respect of any physically or mentally incapacitated child, recognized as dependent under Rule 310.5.2, up to the end of the year in which such child reaches the age of 25. The amount of the grant shall be 75% of the special educational expenses actually incurred up to US\$ 5000, the maximum grant thus being US\$ 3750 per child per year, subject to the exchange rate provisions of Rule 350.1. In cases where an education grant is payable under Rule 350, the total of the amounts payable under Rules 350 and 355 shall not exceed US\$ 3750.

365. INSTALLATION ALLOWANCE

365.1 On authorized travel upon appointment or upon reassignment to an official station, an internationally recruited staff member shall be paid an installation allowance. The amount thereof shall be the equivalent of:

365.1.2 travel per diem, in respect of each family member accompanying or joining him at the Bureau's expense under Rule 820, except for children eligible for travel under Rule 820.1.4, for 30 days at half the rate after their arrival.

365.3 The installation allowance shall be increased by a lump sum element at certain official stations. This element is designed to compensate in part for additional establishment expenses at locations which the Bureau has determined warrant it. The amount of the lump sum is US\$ 300 for a staff member and US\$ 300 for each family member for whom an allowance is payable under Rule 365.1.2 up to a maximum of three such family members.

480. INTERORGANIZATION TRANSFERS

480.1.2 shall transfer his pension fund credit if he is a participant in the United Nations Joint Staff Pension Fund;

480.1.3 shall be appointed on a fixed-term appointment in accordance with Staff Rule 420.3, and serve on transfer the same probationary period as a newly appointed staff member;

480.1.4 shall be credited on transfer with all applicable entitlements as if all prior uninterrupted service with the World Health Organization, or another United Nations Organization, or the Organization of American States had been with the Pan American Sanitary Bureau, except for those entitlements which must be suspended until the probationary period is satisfactorily completed.

490. NOTIFICATION BY STAFF MEMBERS AND OBLIGATION TO SUPPLY INFORMATION ABOUT THEMSELVES

490.1 Staff members are responsible on appointment for supplying the Bureau with whatever information and documentation may be required for the purpose of determining their status under the Staff Rules or of completing administrative arrangements in connexion with their appointments.

490.2 Staff members are also responsible for promptly notifying the Bureau, in writing, of any subsequent changes affecting their status under the Staff Rules, and for supplying relevant documentation required.

490.3 A staff member who intends to change his or her nationality shall notify the Director of that intention before the change becomes final.

490.4 A staff member who is arrested, charged with an offence other than a minor traffic violation, summoned before a Court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for any offence other than a minor traffic violation, shall immediately report the fact to the Bureau.

655. LEAVE WITHOUT PAY

655.2.4 if the duration of the leave without pay is more than one third of the scholastic year of a child for whom the staff member is eligible to receive an education grant, the amount of the grant shall be reduced proportionally and the child's travel shall not be paid.

760. MATERNITY LEAVE

760.1 Staff members appointed for periods of one year or more shall be entitled to maternity leave with full salary and allowances.

810. TRAVEL OF STAFF MEMBERS

810.5.1 the staff member has waived his entitlements to rest and recuperation travel under Rule 810.8 and has waived all his entitlements to the travel of his spouse and children under Rules 820 and 825 except for education grant travel under Rule 820.2.5.2;

820. TRAVEL OF SPOUSE AND CHILDREN

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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 official station or to return to the country of the recognized place of residence within one year after ceasing to qualify as a dependant. The Bureau's financial responsibility shall be limited to the cost of one-way travel between the official station and the recognized place of residence. However, if the round trip to which the child may be entitled under Rule 820.2.5.2 is completed after the child reaches the age of 21, this travel shall not be authorized;

820.1.4 a child 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 for whom there is an entitlement to an education grant under Rule 350 for study outside the commuting distance of the official station, provided Rule 655.2.4 does not apply:

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820.2.5.3 (Deleted)

820.2.5.4 (No change except that Rule is renumbered 820.2.5.3)

820.2.5.4 the final one-way passage defined in Rule 820.1.3 within one year after ceasing 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 official station and the recognized place of residence. However, if the round trip to which the child may be entitled under Rule 820.2.5.2 is completed after the child reaches the age of 25, this travel shall not be authorized,

820.2.6 for the spouse, to visit the staff member at the official station and return, in lieu of the staff member's travel under Rule 810 5, subject to the same conditions specified therein;

820 2.7 (same text as former 820.2.6)

820.2 8 in case of illness or injury requiring special facilities for treatment, the Director may authorize return travel between the official station and the nearest place where such facilities exist. The Staff Physician advises on the location of the facilities. To the extent feasible, such travel shall subsequently be charged to entitlements becoming due under Rules 820.2 4, 820.2.5, 820.2.7, 820.2.9, 825 and 870;

820.2.9 (same text as former 820.2.8)

.....

825 SPECIAL EDUCATION GRANT TRAVEL

The **Bureau** shall, in accordance with terms and conditions determined by the Director, pay travel expenses of a staff member's dependent child in respect of whom he is entitled to the special education grant under Rule 355. In this case, the provisions for education grant travel under Rule 820.2.5 shall not apply, except for the round trip under Rule 820.2.5.2. The provisions of this Rule shall apply to professional and higher graded staff not serving in the country of their recognized place of residence, and to staff referred to in Rule 1310.4 recruited outside the local area as well as outside the country of the official station. They shall not apply to other staff referred to in Rule 1310, nor to staff referred to in Rules 1320 and 1330.

870. EXPENSES ON DEATH

870.1 On the death of a staff member or his spouse or his child(ren), when the **Bureau** had an obligation to repatriate the deceased under Rules 810.6 or 820.2.7, the **Bureau** shall pay the expenses of preparing and transporting the remains. The maximum transportation costs borne by the **Bureau** shall not exceed those from the last place to which the deceased person(s) travelled at the **Bureau's** expense to the staff member's recognized place of residence.

870.2 A deceased staff member's spouse and child(ren) shall be entitled to travel and transportation of personal effects 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. Entitlement to removal expenses is determined by Rule 855.1.3.

1020. RETIREMENT

1020.1 (same text as former 1020)

1020.2 A staff member whose years of service and age qualify him for receipt upon separation of an early retirement benefit under the United Nations Joint Staff Pension Fund regulations may retire before age 60, subject to the conditions stated in Rule 1010.

1083. NOTICE OF TERMINATION

Notice of termination under Staff Rules 1030, 1050, 1060, 1070 and 1080 shall not be served to a staff member on maternity leave.

1085 MEDICAL EXAMINATION ON SEPARATION

A staff member shall be examined immediately prior to his departure by the Staff Physician or by a physician designated by the Bureau. If a staff member fails to undergo this medical examination within a reasonable time limit fixed by the Bureau, then claims against the Bureau arising out of illness or injury which allegedly occurred before the effective date of separation shall not be entertained, furthermore, the effective date of separation shall not be affected.

1230 BOARDS OF INQUIRY AND APPEAL

1230.3.1 the headquarters Board of Inquiry and Appeal shall report its findings and recommendations to the Director, with whom the final decision shall rest. The Director shall inform the appellant of his decision within sixty calendar days of the date of the receipt by him of the findings and recommendations of the Board, and at the same time send him a copy of the report. If no decision is taken by the Director within this period, the recommendations of the Board 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 on it;

1230.3.2 the Area Board of Appeal shall report its findings and recommendations to the Area Representative. The Area Representative shall inform the appellant of his decision within sixty calendar days of the date of the receipt by him of the findings and recommendations of the Board, and at the same time send him a copy of the report. If no decision is taken by the Area Representative within this period, the recommendations of the Board shall be deemed to have been rejected and such rejection shall be subject to appeal as provided in Rule 1230.8.5, as if a final action had been taken on it;

1230.3.3 a Board shall report its findings and recommendations to the Director or Area Representative, as appropriate, within ninety calendar days of the date that the appellant's full statement of his case is received by the Board. This period may be extended by the Board if the appellant and the administration concerned agree.

*executive committee of
the directing council*



PAN AMERICAN
HEALTH
ORGANIZATION

*working party of
the regional committee*

WORLD
HEALTH
ORGANIZATION



86th Meeting
Washington, D.C.
June-July 1981

Provisional Agenda Item 18

CE86/11, ADD. I (Eng.)

8 June 1981

ORIGINAL: ENGLISH-SPANISH

AMENDMENTS TO THE STAFF RULES OF THE PAN AMERICAN SANITARY BUREAU

Presentation by the Staff Association to the
86th Meeting of the Executive Committee

In accordance with previous decisions of the Executive Committee of the Pan American Health Organization, the Director has the honor to submit to the 86th Meeting the annexed document, which contains the points of view of the Executive Committee of the PASB Staff Association on matters concerning staff conditions of employment.

Annex

I. Introduction

Once again we come before you to carry out one of our most important mandates as the representatives of the staff--that of conveying to you our collective sentiment. The concerns we will now present are those of a staff whose work is dedicated to one of the highest of humanitarian aims: health, and who have been so dedicated, both as individuals and as a group, for almost 80 years--practically since the beginning of the century.

Ours is, then, more an historical mandate than an imperative of the present juncture: to preserve and subserve the principles and objectives of the Organization. And we will do this without any base consideration, whether political or personal, whatever the meaning of those words. In our situation, we have a commitment that is both personal and collective. This commitment is to the dignity of the human being, and we find it hard to understand that his health should at times be regarded as less important than seeking means for his death on the battlefield.

Economically skewed priorities all over the world have a real effect on international cooperation and on the specific tasks of our Institution. This is apparent whenever it is said that our efforts on behalf of the health of peoples who have undertaken to make health accessible to all by the end of the century have to be curtailed for lack of funds. Hence, the needs and desires of the staff make our concern for the Institution's future more significant, for it cannot be thought of apart from the daily activities of those who comprise it.

This was the point of departure for the joint task that fell to us, as members of the Executive Committee of the Staff Association, in drafting this document. Thus, this presentation is the fruit of the efforts and experience of colleagues working in places as far apart as Buenos Aires, Lima, Mexico City, Rio de Janeiro and Washington.

II. Development of the Staff Association

The Staff Association's salient functions are to integrate the local staff organizations, represent all the categories of staff, serve as a clearinghouse for information on matters of mutual interest, identify policies, coordinate activities, promote the development and welfare of the individual staff members, and safeguard their rights and interests.

The Council is the Association's highest governing body, and consists of representatives of all the local staff organizations. The Association functions through these local organizations and through the Council and its Executive Committee. The local organizations are established by the members of the Association, and only one such organization is recognized for each country or center. The Executive Committee implements the decisions and recommendations of the Council and serves the local organizations during the intervals between Council meetings.

A basic feature of the new structure is that some members of the Association's Executive Committee are elected by a system of Hemisphere-wide and local elections. The first Hemisphere-wide election was held in 1980. We consider this feature to be fundamental because our Association is basically democratic and representative, and this electoral process is simply consistent with those ideals.

The First Council of the Staff Association was held in Lima, Peru, from 1 to 6 December 1980, as part of the strategy chartered in the meetings of the representatives of the staff at Headquarters, the Organization's Areas, and the Centers (PANAFTOSA, CEPANZO and INCAP).

This First Council of the Association was attended by the 11 established local organizations, all legally constituted and representing all the Area offices, one country office, and three centers. Such topics as job security, post classification and opportunities for advancement were extensively discussed, and the Committee was instructed to promote improvements in the matters referred to in Annex II.

These matters and others of interest to the staff were presented to the Administration for consideration and broadly discussed on 9 April in a meeting of almost six hours with the Assistant Director and the Chief of Personnel, and we anxiously await a favorable decision, at least on those that are of highest priority for us. We will report on the outcome of our efforts on behalf of these proposals in our presentation to the 88th Meeting of the Executive Committee.

At the close of the First Council Meeting on 6 December 1980, the newly elected Executive Committee of the Association convened and considered the programming of activities and distribution of responsibilities for fulfilling the mandates of the Council. There the persons were designated who would make up the delegation to the meeting of the Council of FICSA (Vienna, Austria, 19-23 January 1981). In this meeting the members of our Committee sat on the subcommittees on salaries and benefits for the professional staff, the field staff, social security, management/staff relations, the status of women, labor safety and hygiene, and career development.

The meeting of WHO Staff Associations (Lyon, France, 26-29 January 1981), at which we were represented by the same delegation, dealt with the uniform application of rules and procedures in WHO and its Regions. The ensuing discussion generated proposals that were to be brought before the Global Program Committee (GPC) of WHO. The last session was held on 30 January in Geneva, where the proposals for the GPC and other matters of common interest were discussed with the Director of Personnel and General Services.

In these encounters our Association presented its concerns about the uniformity that must necessarily prevail in criteria for awarding the education grant, the coverage of health insurance, the according of privileges to the staff members of PASB consonant with their status as members of the international civil service, the uniform application of the rule on compensatory leave, and the need to resolve the situation created by the failure to apply WHO Rule 375 in the Region of the Americas.

In the first week of April (from the 6th to the 11th) this year, and in compliance with the decision of the first meeting of the Executive Committee of the Association, its members met in Washington to deal with an agenda that included topics as diverse as the analysis of and views on amendments to the Staff Rules proposed by the Administration, the representation to be made to the 86th Meeting of the Executive Committee, preparation for the Second Council of the Staff Association to be held in Brasilia in November 1981, and implications for the staff of a possible reduction of the budget. The Executive Committee had a brief meeting with the Director-General of WHO in April of this year and with the Director of the Organization during the Director-General's visit to this city.

We should like at this time to acknowledge the work of the Assistant Director, who represents the Director in personnel matters.

III. The Pan American Centers

Three of these specialized structures of the Organization now have local organizations which are represented on the Governing Bodies of the Staff Association.

As you are aware, the staff of the Centers identify fully with the aim of the Member Governments of eradicating diseases whose effects on the population of the Hemisphere are having increasing impact, economically as well as in terms of health. The unremitting efforts of the Centers over the last 30 years have won tremendous gains against these diseases, and the Member Governments have persisted in the face of great difficulties in supporting these activities on a priority basis.

A. PANAFTOSA

This Center provides technical cooperation with the American countries in all aspects of their efforts to control foot-and-mouth disease, and this cooperation has mobilized the tireless efforts of

epidemiologists, virologists, biostatisticians, biochemists, etc., 20 professionals altogether, almost all of them veterinarians. These professionals are backed in their work by a modern and effective system of technical and administrative support that involves 130 staff members.

Despite the reduction of the budget in recent years, the remarkable effort made by each and every member of the staff has prevented the services of the Center from declining in quantity or in quality. This sustained performance was also made possible by the excellent attitude of the management toward the staff of the Center.

As you are aware, of course, over the last two years the situation of the Centers has been a matter of particular concern to the Staff Association inasmuch as the operating difficulties they have repeatedly experienced have greatly affected the attitude of the staff toward their duties. The staff of PANAFTOSA have expressed and are expressing now their concern about the Center's future: any interruption of the continuity that its operations require would seriously impair the research being done there.

B. CEPANZO

The situation at CEPANZO is a source of particular concern to us, and not only as the representatives of the staff, but as staff members of the Organization. The Center has been, is, and will remain a key component of our Organization's overall operating structure, not only for the level and quality of its contribution to our common effort to accomplish a health program for the year 2000, and hence to efforts of the Members Countries in particular, but also for the level of excellence it has attained in its production of biologicals and its training of the technical and professional staff of those countries.

As you know, training in scientific fields has to be continuous. Any interruption, brief as it may be, has effects which continue beyond its actual duration, and the setback to the teaching and learning process can be irretrievable. Following the preparation by the Secretariat of a budgetary projection which the staff of CEPANZO regarded as unrealistic--an assessment which has since been borne out by economic developments in Argentina--the XXVII Meeting of the Directing Council found itself unable to approve the sums presented because it regarded them as excessive. The administrative consequences of this decision have been the abolition of 28 posts, the closure of one whole program, and the curtailment of two others. The result is not only the loss of the incalculably valuable training invested in highly specialized technical experts, but also a reduction of the services performed by the Center. This outcome is undesirable not only for PAHO but for the individual countries as well:

the removal of staff members and the dismantling of programs has simply demoralized the surviving staff of the Center, and this has done nothing to improve the quality of its operations.

This situation is aggravated by the persistent administrative irregularities repeatedly exposed by the Staff Association to the Administration and to the Governing Bodies of the Organization, irregularities like the existing subclassification system, the awarding of one-year contracts to staff members who, in some cases, have more than 20 years of service behind them, and repeated trampling on the right of association, freedom of expression, and human dignity.

The reduction in force last year was carried out in accordance with current Staff Rule 1050. We would like to draw attention to the offer of the staff of CEPANZO to have their wage increases during 1981 applied to maintain the largest possible number of posts. This offer was rejected by the Director of the Organization.

The reduction now makes it necessary to restructure the Center. In order that this restructuring may be harmonious and generate a minimum of controversy, we think it is essential that the Staff Association should be involved as a participant in it.

As the representatives of the staff of CEPANZO, we want to convey our appreciation for the provision by the Argentine Government of new premises for the Center. Being housed in the upper floor of the outpatient department of a polyclinic was not only creating serious problems for the Center's research, but exposing the patients of the polyclinic to potentially serious risks.

C. INCAP

In view of the decisions taken recently by the INCAP Council, this may be the last time we speak on behalf of the Organization's staff at this Center.

Already on other occasions we have called attention to the poor conditions of work of the people employed in the Institute. We want to underscore that the locally hired staff, both professional and auxiliary, have never had the benefits enjoyed by the PAHO/WHO and UN staff employed in Guatemala. We must also point out that the local INCAP personnel have never been covered by the United Nations Pension Fund, and that, as they reach retirement age, they are terminated without any regular income for the least productive years of their lives. It also has to be emphasized that the salary scales have been far below the levels prevailing in the private and public sector in the country, and that the health insurance coverage does not extend to the staff member's family or dependents.

We have emphasized these areas only to show that the Institute's financial problem can in no way be blamed on an excessive payroll. And we are saddened, as international officials, that a center of excellence of such solid international prestige as the Institute of Nutrition of Central America and Panama is to become an institution oriented exclusively to serving the Central American countries.

We note with satisfaction, however, that the INCAP Council, in its meeting in Mexico last December, decided to revise the Staff Rules "so as to make them uniformly applicable to all the staff members of INCAP, and to hear the views of the staff of that Institution."

We are cognizant of the countless employment problems that have plagued these staff over many years, and, in a last effort to protect the interests of people who have faithfully served all the countries in the Region, we urgently request those who are to review those Staff Rules to provide in them for access to an administrative tribunal at the subregional or international level (for example the Administrative Tribunal of the Organization of American States) that has the authority to settle labor disputes not resolvable through the internal channels of appeal.

We now appeal to the sense of justice and equity of this honorable Governing Body so that these employment situations will not recur.

IV. Credit for Years of Service in the Country of Origin

When people from some countries are hired by the Organization, their connections with the systems of employee benefits in effect in their countries of origin, such as retirement benefits accumulated over years of work, are served. Some of the Organization's Member Governments have already signed agreements with it stipulating that citizens of their countries employed in the Organization will, on the termination of that employment, have the time of such international service credited to them for purposes of qualifying for their national pensions, and we are of the view that action should be taken to extend this arrangement to the other Member Countries the agreements with which do not contain this provision.

V. Occupational Hazards

Prompted by FICSA Resolution 12 of last January, we would like to bring to the attention of this body the matter of occupational hazards as they arise in our setting.

The international legislation on occupational hazards imposes certain requirements, such as that workers who handle toxic substances qualify, because of the risk of exposure, for a series of benefits such as hazardous pay supplements and for retirement benefits after working a reduced number of years. The personnel of the laboratories at the various centers of work and research of the Organization include many who work with infectious and injurious materials (bacteria, viruses, acids, etc.), and they should be covered by provisions similar to those in effect in the international labor legislation. Owing to the nature of our Organization, we feel we should set the example by making a study of our working environments with a view to application of the international standards on the subject.

VI. Contracts of Employment

This was one of the subjects covered in our presentation last year, and what we said then remains true today. In the last meeting of WHO staff representatives at Lyon and in the meeting with the Director of Personnel and General Services of WHO in Geneva, we came to the conclusion that the staff of PASB is at a glaring disadvantage relative to the WHO staff in Geneva and in other Regions.

We should like to remind you that the awarding of five-year and permanent contracts is in abeyance. This situation has been brought to the attention of the Administration as a source of discouragement and insecurity among the staff. However, we are convinced that careful and objective planning of the existing human resources can remedy this situation.

There has also been considerable concern over the inconsistent application of the rules on retirement age. Contracts are extended and short-term appointments awarded to staff members who have passed the age of 60 at the expense of those who otherwise might be promoted into those posts. We are aware of the value to the Organization of keeping on staff members of proven ability, but to do so is, in our view, prejudicial to the expectations of the staff for promotion. This is also a source of ethical conflict, for there are persons who acquire the right to more than one retirement pension.

VII. Uniformity of Immunities and Privileges for International Officials

In its first meeting in Lima the Council of the Association voiced its concern that the international field staff of the Organization sometimes do not enjoy the same immunities and privileges as other international officials at the same duty station. This difference from

the status of the staff of other agencies, such as UNDP, UNESCO, ILO, UNICEF and FAO, is directly reflected in the standard of living of our staff members, who feel themselves unduly prejudiced. This point was discussed in a meeting we recently had with the Director of Personnel and General Services in Geneva, in which it was agreed that the immunities and privileges must be the same for all international civil servants, whether of PAHO, WHO or any other agency. We would greatly appreciate the Executive Committee's cooperating with the Administration to achieve parity in this situation.

VIII. Boards of Appeal

Once again the Association wants to remind this Executive Committee of the fact that, pursuant to Staff Rule 1230.2, there must be a board of inquiry and appeal at Headquarters and boards of appeal at the different area offices.

This Rule has not yet been complied with, and the matter has been brought to the attention of the Administration. A joint effort in Area VI in recent months resulted in the establishment of a board, on the panel for which personnel from the various countries in the Area are represented. In view of the peculiar status of the staff under the jurisdiction of the Caribbean Program Coordinator (CPC) and the situation in Area I, we think that a mechanism must be established, perhaps a separate board for this particular area, or that they should be given access to the board of Area I for the settlement of labor controversies.

One matter with which we are constantly concerned is the steady stream of cases of appeal received by the Board at Headquarters, which has not fallen off in the past year. The enormous human and monetary cost of these appeals to the Organization makes it necessary that administrative measures taken arbitrarily, without consultation and in violation of the Staff Rules, be brought to an end. Suffice it to mention that in one case alone, the material cost to the Organization was in the hundreds of thousands of dollars, and seven cases are still pending before the Administrative Tribunal of the ILO.

IX. Amendments to the Staff Rules

The comments of the Staff Association on the amendments to the Staff Rules approved by the Executive Board of WHO, and others that were included by mandate of the Association's Council, are contained in Annex I to this presentation.

Among these additional proposals, we would like to draw your attention to our proposed amendments to Rules 1040 and 1050. The proposals are based on the experience of recent appeal cases. During 1980 and to date in 1981, in five of the twenty cases pending the cause is acknowledged as arising out of the application of these two rules. It is our conviction that it is essential to clarify them, and that doing so would obviate much controversy between the staff and the Administration.

The Americas is the only Region in which WHO Staff Rule 375 is not applied, and this omission continues to place our staff in an unfavorable position. As matters stand, staff may have, or be denied, the right to the benefits of this rule by a simple change in the source of funds budgeted for projects. This, as those of you know who for years have been reviewing the budget and program proposals, happens very frequently. An equitable solution has to be found to this problem, as the practice discriminates against the staff. What is more, it is a source of conflict over conditions of employment, for its application is not open to discussion and is beyond the control of the staff.

The Executive Committee of the Association has deeply pondered this matter, and it feels that its proposed amendments to Staff Rules 1040 and 1050 would provide the changes needed without having to incorporate WHO Rule 375 into our Staff Rules.

X. Conclusion

To summarize, the Staff Association wants to voice its unremitting concern about the future and prospects of the Organization. To this end, it will urge its members to cooperate in the accomplishment of the Organization's purposes, which are their own, for the improvement of conditions of health in the Hemisphere.

The Association also expresses its concern about current administrative practices in the Organization and the need for uniform application of the Staff Rules. This matter was put before Dr. Mahler by the Association's Executive Committee during his visit to Washington in April 1981. Incorrect and inconsistent application of the rules, abuses in personnel selection procedures, and existing inequalities with other international agencies seriously undermine staff morale. The Association seeks your cooperation in this time of budgetary austerity to keep that morale at the highest level, and in providing for the staff of PASB/WHO the same benefits enjoyed by the staffs of other international agencies.

We appreciate the opportunity provided to enter into a frank and constructive dialogue, which can result in careful, effective and harmonious programming of the Organization's valuable resources. We also thank you for your attention to this presentation, and are at your disposal to answer any questions you may have about it.

Annexes

COMMENTS TO THE AMENDMENTS TO THE STAFF RULES
PASB/WHO STAFF ASSOCIATIONStaff Rule 310.4

The wording of this Staff Rule seems not to have undergone changes required to adequately reflect the ILO Tribunal interpretation as stated in Tribunal Judgment 257, Grafstrom versus the Director General of FAO. The Tribunal considered that the text should be given wider interpretation, as dealing with the future as well as the present and as making it possible to maintain the pensionable remuneration "at the level at which it would have otherwise have been." If a G.8 is promoted to P.2 and during the course of time the P.2 pensionable remuneration is static and the G.8 increases, the latter should be maintained on a continuing basis until the P.2 catches up.

The following amendment to the text is proposed:

...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, with all general service increases, until it is surpassed by the remuneration due based on the staff member's gross base salary in the professional category.

Staff Rule 310.5.2

Since a child is defined in Manual Provision II.2.335 for the purposes of interpreting this Rule, the phrase "as defined by the Director" is unnecessary and should be deleted. Further, it is not logical that age 21 be the limit established for the dependent child allowance when the education grant continues through age 25.

Staff Rule 310.5.3

The same observations made for 310.5.2 apply to this Rule.

Staff Rules 310.5.1.1 and 310.5.1.2

Although it is unquestionable that the difference in provisions improves the situation of professional staff in a great number of duty stations in our Region, it also enhances the differences of a social benefit which should be granted equally irrespective of category. Further, experience has shown us that the lowest general service category

entry level used for purposes of establishing the allowance for GS staff is the lowest grade in the scale, regardless of the number of staff recruited at that level.

Hence, in order to minimize the inequality which is now being enhanced by the amendment of Staff Rule 310.5.1.1, it is suggested that for GS staff the most prevalent entry grade, and not the lowest entry grade, be used for establishing eligibility for the allowance.

It is also considered that spouses be considered under their own professional or general service category, and that the criteria for level of salary for dependent's allowance not be related to the category of the staff member.

Staff Rule 490.1

The text is unclear in its intent and purpose. Furthermore, it is overly broad in its requirements, possibly leading to invasion of privacy.

Staff Rule 490.2

Should be deleted and relocated under Staff Rule 580, as 580.3.

Staff Rule 490.3

Our proposed 580.3 should be sufficient. We fail to understand the need for the Director-General, or any Director for that matter, to be notified of a change of nationality before it becomes final. We cannot agree with this Staff Rule unless a very clear explanation of its intent is made.

Staff Rule 490.4

The text is unclear in its intent and purpose. With respect to privacy, this new Rule would allow the Organization to encroach on the purely private rights of its staff. PAHO's involvement in the private lives of its staff ought to be commensurate with the privileges and immunities it affords to its staff as regards their private lives. Privacy is a protected area that should be guarded zealously.

In most democracies and in some other forms of government, persons are entitled to a presumption of innocence prior to a formal adjudication of guilt. This presumption is important here, because it is unknown what importance the Rule may attach to a staff member's arrest, as opposed to his conviction of a crime. It takes very little in the way of "probable cause" to arrest a person for an alleged offense.

If the Organization wishes to focus on the "arrest," then it is submitted that this stage is too early in the criminal justice process to attach any meaningful significance. It is of no solace to say that the rule will note the fact but will not make a judgment about the staff member. For serious charges that require the staff member to be away from the Organization (arrested or imprisoned), there is no question that the Organization will be notified by the authorities of the staff member's offense.

Staff Rule 490.4

If the intention of the rule is the protection of the staff member, it is our opinion that it should be reworded. It stands to reason that a staff member jailed or imprisoned will not be in a position to immediately report the fact to the Organization.

Staff Rules 1040 and 1050

In view of the problems of interpretation and application of Staff Rules 1040 and 1050, as evidenced by the number of appeals before the BIA and ILO, the Executive Committee of the Association was instructed by its Council to elaborate proposals amending existing rules.

Staff Rule 1040

In regard to Rule 1040 a suggested text reads:

Appointments shall be extended or terminated on completion of the agreed period of service. Such determination shall be made in compliance with Rule 530.4. Notice of termination or extension shall be provided not later than three months before the date of expiration of the contract. However, a staff member serving under fixed-term appointments for ten years or more, whom it has been decided not to reappoint, shall be entitled to a grant fixed in accordance with the schedule in Rule 1050.4, unless he has either received and declined a reasonable offer of renewal of his appointment or has reached 60 years of age.

The purpose of this proposed amendment is threefold: 1) to ensure that all staff members be given a reason for non-renewal of contract regardless of years of service; 2) to ensure that the determination be made by means of the yearly evaluation report; and 3) that long-serving staff be given some form of indemnity if her/his contract is not renewed.

Staff Rule 1050

The major problem is that the rule speaks of "posts of limited duration" and "posts of indefinite duration" yet neither is defined. Much litigation has concerned the meaning of these terms, and it is unknown what the original drafters really meant.

To eliminate the inherent problems of 1050, the following amendments (deletions) are suggested:

1. Eliminate all references to "posts of limited duration" and "posts of indefinite duration."
2. Staff Rule 1050.1 would read: "The temporary appointment of a staff member may be terminated prior to its expiration date if the staff member's post is abolished."
3. Staff Rule 1050.2 would read: "When a post which is filled is abolished, a reduction in force shall take place, in accordance with procedures established by the Director."
4. Staff Rule 1050.3 would read: "Termination under this Rule shall require the giving of at least three months' notice."

Not only do these amendments help clarify the Rules, but they also allow the reduction in force and abolition of post provisions to apply to all staff members.

A final comment regarding Staff Rule 1050 concerns 1050.3, which allows termination of staff members of fixed-term appointment upon one month's notice. Staff Rule 1040 was recently amended to provide a minimum of three months' notice. For consistency, and for protection of the staff, this omission should be remedied and the period of notice under 1050 made the same as that under 1040.

MEETING BETWEEN THE ADMINISTRATION AND THE
EXECUTIVE COMMITTEE OF THE STAFF ASSOCIATION

TOPICS FOR DISCUSSION

Staff Appointments and Promotions

1. That a career ladder be designed for the professional staff which takes into consideration such data as occupation, length of service, experience and work, to determine who could be appointed to vacant posts and to indicate the individuals for whom such appointment would constitute a promotion or desirable transfer.
2. That a career planning structure be designed taking account of progressive assumption of responsibilities and services performed at the country, area and Headquarters levels.
3. That the following steps be included in the selection procedure:
 - a) the establishment of a rule that unsuccessful candidates be informed of the reasons for such decision and of the name of the person recommended for the post;
 - b) that the staff representative to the selection committee be given the right to vote on it;
 - c) that a procedure be established for advising candidates, at their request, of the outcome of the selection procedure;
 - d) that the list of promoted staff members be published; and
 - e) that the members of selection committees be chosen by lot.
4. That the rules on appointments and contract extensions be applied uniformly at all duty stations.
5. As discussed in the Meeting of WHO Staff Representatives and in compliance with the instructions of the Council, it is requested that five-year contracts be restored in order to make the application of this procedure uniform within the WHO system.
6. The 1982-1983 budgetary situation. In our letter of 19 March we set forth some of our concerns about the effects of this situation on the current staff and the policy of recruiting under temporary contracts of less than one year. We think it would be valuable to discuss this matter extensively.
7. That a list of all vacant posts through grade P.5 be published.

Classification of Posts

1. The removal from the PAHO/WHO Manual of the requirement of a university degree as a qualification for some occupations in the professional category.

2. The establishment of a standard of equivalence between a university degree and working experience (including studies and training pursued on one's own), as recommended by the International Civil Service Commission. The emphasis should be on the application of this principle to posts in grades P.1 to P.3 that are not regarded as technical in nature.

3. Adoption of the language of the WHO Manual on the requisite membership of the Classification Review Committee.

4. That a reasonable time limit be established for processing requests for post audits, including the concept of retroactive remuneration for the incumbent in cases in which the decision has exceeded the time limit and calls for the reclassification of the post.

Personnel Development

1. Reimbursement to staff for courses taken, with less emphasis on their relevance to the staff member's duties than on his personal development. Special consideration should be given to courses taken toward a university degree.

2. The establishment of a more flexible policy on leave for study during working hours.

3. The establishment of a standing joint administration/staff group to decide on study leave and requests for training.

4. That better defined criteria be established for the work of the Committee on Meritorious Increases, and which include credit for efforts at self-improvement.

Administrative Matters

1. Reimbursement of medical expenses. On this subject it is important to arrive at some conclusion about delays in reimbursement, particularly at duty stations where inflation and currency devaluation inflict considerable losses on the staff when the reimbursement is overly delayed.

2. Payments of per diem and of the education grant. Professional staff at field offices have complained to us that per diem and education grant payments are subject to excessive delays which, like those of health insurance reimbursements, result in considerable losses for the staff owing to the aforementioned economic conditions.

3. Application of wage scales at field offices. At some field offices, particularly those operating in inflationary economies, the wage scale does not begin to be paid to the staff until three months or more

after being approved by the United Nations. The problem lies not in the United Nations system, but in the Organization's administration, which apparently does not have the efficient procedures used by the other agencies in these countries.

4. Overtime Compensation. Service travel. Staff members frequently have to travel over weekends and on days that are holidays at their duty stations, and inconsistencies have been observed in granting their requests for compensatory time off.

Health Insurance

1. On this matter we refer to letter SA/EC/32 of 19 March. It is, in our view, highly necessary to discuss the possibility of obtaining an extension of the insurance coverage by means of an additional policy. Some of the recently observed irregularities in reimbursements might be minimized if not eliminated if the contribution of the insured staff member were reduced.

2. We would also like to know the Administration's reaction to extending the coverage to staff members who leave the Organization after ten or more years of employment in it. This becomes particularly important for persons who contract a chronic disease in service and are unable to obtain health insurance that covers it.

The Functioning of the Association

1. The facilities were made available to the Association for a trial period of six months, which will probably expire in April. Will new negotiations have to be undertaken, or will be allowed to keep these facilities permanently?

2. Because of the Hemispheric scope of the Association's new structure and of the travel needs of the members of the Committee and Council implied therein, it is considered that they should all be issued official United Nations passports. This request is made in the awareness of countless precedents, as personnel representation has been made official and institutional by provisions in the Staff Rules.

Staff Rule 1050

The major problem is that the rule speaks of "posts of limited duration" and "posts of indefinite duration" yet neither is defined. Much litigation has concerned the meaning of these terms, and it is unknown what the original drafters really meant.

To eliminate the inherent problems of 1050, the following amendments (deletions) are suggested:

1. Eliminate all references to "posts of limited duration" and "posts of indefinite duration."
2. Staff Rule 1050.1 would read: "The temporary appointment of a staff member may be terminated prior to its expiration date if the staff member's post is abolished."
3. Staff Rule 1050.2 would read: "When a post which is filled is abolished, a reduction in force shall take place, in accordance with procedures established by the Director."
4. Staff Rule 1050.3 would read: "Termination under this Rule shall require the giving of at least three months' notice."

Not only do these amendments help clarify the Rules, but they also allow the reduction in force and abolition of post provisions to apply to all staff members.

A final comment regarding Staff Rule 1050 concerns 1050.3, which allows termination of staff members of fixed-term appointment upon one month's notice. Staff Rule 1040 was recently amended to provide a minimum of three months' notice. For consistency, and for protection of the staff, this omission should be remedied and the period of notice under 1050 made the same as that under 1040.