

## UNFPA

Policies and Procedures Manual: Human Resources

Personnel Policies and Procedures

FTA and CA: Other policies and procedures

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### **FIXED-TERM AND CONTINUING APPOINTMENTS: OTHER CONDITIONS AND PROCEDURES**

#### **OVERVIEW**

1. The purpose of this policy is to set out a number of conditions and procedures related to fixed-term and continuing appointments.

#### **OTHER CONDITIONS AND PROCEDURES**

##### **Procedures for transfer, secondment or loan of UNFPA staff**

2. Transfer, secondments and loans are modalities for the movement of a staff member from one organization to another, as outlined below:
  - (a) A transfer is the movement of a staff member between organizations without return rights to the releasing organization;
  - (b) A secondment is the movement of a staff member between organizations for a fixed period of time during which the staff member will normally be paid and be subject to the staff regulations and rules of the receiving organization, but will retain his or her rights of employment in the releasing organization;
  - (c) A loan is the movement of a staff member between organizations for a limited period during which the staff member will be subject to the administrative supervision of the receiving organization but will continue to be subject to the staff regulations and rules of the releasing organization.
3. When UNFPA is the releasing organization (the organization which will transfer, second, or loan the staff member), the Division for Human Resources (DHR) must agree with the proposed receiving organization (the organization which accepts a staff member on transfer, secondment, and loan) whether or not the staff member will be granted the right of return to UNFPA. If return rights are not granted the staff member will be transferred to the receiving organization. If return rights are granted the staff member will be sent to the receiving organization on either secondment or loan.
4. In cases in which a staff member is being sent on secondment or loan, UNFPA must decide on the extent of the right of return that will be granted. The staff member may either be granted a specific lien to a post to which the staff member can return or only a general lien to UNFPA without any guarantee of return to a specific post or placement in any post with UNFPA at the end of the secondment or loan. When a staff member only has a general lien

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there is an inherent risk that it may not prove possible for the staff member to find an appropriate post to return to at the end of the secondment or loan.

5. When UNFPA is the releasing organization, UNFPA should normally agree for the staff member to have a general lien rather than a lien to a specific post. In cases in which a specific lien to a post is granted this will only be valid for a maximum period of one year. Should an extension of the secondment or loan be requested, the staff member will then move from having a specific lien to a post to a general lien. Exceptions may only be authorized by the Director of DHR.
6. When UNFPA is the releasing organization, UNFPA will normally not agree to a loan that exceeds a total combined period of one year less one day, or a secondment that exceeds a total combined period of between one to four years. For UNFPA staff members seconded as resident coordinators no time limits for return to UNFPA apply.
7. Staff members returning to UNFPA from secondment or loan with a specific lien to a post will be assigned back to that post at the classified level together with increments accrued during the secondment period. If the secondment or loan was to a higher level post, UNFPA will not place the staff member back in the post with a higher personal grade. In the event of abolition of the post during the secondment or loan, the related procedures contained in the [Policy on Personnel: Separation from Service](#) will apply.
8. Staff members with a general lien who wish to return to UNFPA should apply to available UNFPA post vacancies, including at a higher level, for which they believe they have the required skills, experience and competencies, and will be considered internal applicants. The staff member should ideally notify UNFPA at least six months in advance of their intent to return to enable the organization to assist them, when possible, in their efforts to be selected to a suitable position such as draw the attention of such staff members to specific posts that are available. DHR may also add the staff member to a list of applicants or shortlist for an available post even if the staff member has not submitted an application. The interview panel and hiring manager are required to consider in good faith whether the available post is suitable paying due regard to the relative competence, integrity and length of service of the staff member concerned. If the secondment or loan was to a higher level post, and the staff member is selected for a post at a lower level, the staff member will be placed at the classified level of the post, not at the higher personal grade. In the event that the staff member is not selected for a suitable position by the expiration date of the secondment or loan, he or she will be separated from service in accordance with his or her type of appointment.
9. If the returning staff member encumbered a rotational post immediately prior to his or her release, the staff member will continue to be considered part of the leadership pool and eligible for placement in suitable rotational post vacancies.
10. A staff member must provide at least three months written notice if on a permanent or continuing appointment, or at least 30 days written notice if on a fixed-term appointment regarding whether or not the staff member intends to return to UNFPA. Upon receipt of notice or if no notice is received by the applicable deadline, UNFPA will initiate the

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necessary arrangements to either transfer the staff member to the receiving organization, or to separate him or her from service.

### **Permanent resident status**

11. A continuing or fixed-term appointment in the international professional category for a staff member who will be serving in the United States is normally subject to relinquishment of United States permanent residence.
12. A staff member can seek exceptional approval to retain his or her status as a United States permanent resident while taking up this appointment by submitting a 'Request for Authorization to Sign the Waiver of Privileges'. Authorization should be granted based on clear and consistent criteria. Once the authorization is granted, the staff member will be required to sign the Waiver of Rights, Privileges, Exemptions and Immunities within ten days of appointment.
13. The permission to retain permanent residence status in the United States is granted subject to the General Assembly's consideration on the matter of retention and acquisition of permanent resident status in a country other than that of a staff member's nationality, which is currently pending. Accordingly, depending on the decision taken by the General Assembly, at any time a staff member may be required to relinquish his or her United States permanent resident status as a condition of any extension, conversion, renewal or other form of subsequent appointment. Such permission does not release the staff member from obligations under national law.

### **Notification by staff member and obligation to supply information**

14. In accordance with the provisions of Staff Rule 1.5, staff members:
  - (a) Are responsible and accountable for the accuracy and completeness of the information they provide during the recruitment process. They are responsible on appointment for supplying UNFPA with whatever information may be required for the purpose of determining their status under the [Staff Regulations and Staff Rules](#) and of completing administrative arrangements in connection with their appointments;
  - (b) Are responsible for promptly notifying UNFPA, in writing, of any subsequent changes affecting their status under the Staff Regulations or Staff Rules;
  - (c) Are responsible for notifying UNFPA if they intend to acquire permanent residence status in any country other than that of his or her nationality or intend to change their nationality before the change in residence status or in nationality becomes final;

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- (d) Must immediately report to UNFPA if they are arrested, charged with an offence other than a minor traffic violation or 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.
- (e) May at any time be required by UNFPA to supply information concerning facts anterior to their appointment and relevant to their suitability, or concerning facts relevant to their integrity, conduct and service as a staff member.

### **Renewals of fixed term appointments**

- 15. A fixed term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of length of service.
- 16. Renewals of fixed term appointments are implemented by an appropriate personnel action, not by issuance of a new letter of appointment.
- 17. The Staff Rules do not prescribe any specific time frame for which a fixed term appointment is to be renewed (once UNFPA has decided to renew it), other than that any given fixed term appointment may be renewed for any period up to five years at a time. Therefore, as a matter of principle, UNFPA reserves the right to renew any fixed term appointment, once it has decided to renew it at all, for such period as it deems appropriate, up to a maximum period of five years.
- 18. Without prejudice to this principle, it is recognized that staff members require a reasonable amount of job security. Therefore, if it is decided to renew a fixed-term appointment it should normally be renewed for two years at a time. However, as already stated, UNFPA reserves the right to renew fixed term appointments for periods of less than two years.
- 19. Without prejudice to the generality of the foregoing, the Director of DHR, or the manager at the UNFPA field duty station, as applicable, may determine that an appointment should be renewed for a shorter period of time, including if:
  - (a) this is in the interest of UNFPA;
  - (b) the funding arrangements or the budget underlying the post so require (in the case of programme or project-funded posts, appointments should not be renewed beyond any period of time for which funding has been secured);
  - (c) departures from the standards of performance or conduct have occurred.

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20. The appointments of junior professional officers (JPOs) may be renewed at the discretion of UNFPA and as further agreed or arranged with the sponsoring Government. The number of years any given JPO is sponsored depends entirely on the sponsoring Government and differs from Government to Government.

### **No appointment of staff as UNFPA Representatives, Deputy Representatives and Country Directors in their country of nationality**

21. UNFPA will avoid appointing a staff member as a UNFPA representative or deputy representative in the country of his/her nationality (in the country of the staff member's nationality designated as such for the purposes of the United Nations Staff Regulations and Rules and, in the case of dual-nationals, in another country that considers the staff member a national of that country).
22. As far as possible, UNFPA should avoid assigning a staff member to a UNFPA representative post in which he or she carries responsibilities as country director for the country of his or her nationality.

### **Procedures on conversion of fixed term to continuing appointments:**

23. [Provisions to be added]