

SEPARATION FROM SERVICE

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1. PURPOSE; SCOPE OF APPLICATION

- 1.1 This policy and set of procedures implements Article IX of the United Nations Staff Regulations and Chapter IX of the Staff Rules on separation from service. It applies to all UNFPA staff members. It does not apply to independent contractors retained by UNFPA, such as individual consultants or service contractors. The rights and obligations of such contractors are governed solely by the terms of their contracts.
- 1.2 An overview of the delegations of authority to take specific actions or administrative decisions in matters of separation from service is provided for in the ANNEX to this document.
- 1.3 The glossary of terms contained in the [UNFPA Policies and Procedures Manual: Human Resources; Personnel of UNFPA; General Information, Glossary](#) shall apply to this document.

2. TYPES OF SEPERATION

- 2.1 In accordance with Staff Rule 9.1, any one of the following shall constitute separation from service:
- (a) Resignation (section 3 of this document);
 - (b) Abandonment of post (section 4 of this document);
 - (c) Expiration of fixed-term and temporary appointments (section 5 of this document);
 - (d) Retirement (section 6 of this document);
 - (e) Termination of appointment (section 7 of this document):
 - (i) following abolition of post or reduction of staff (sub-section 7.2 of this document);
 - (ii) for reason of unsatisfactory service (sub-section 7.3 of this document);
 - (iii) for reason of health (sub-section 7.4 of this document);
 - (iv) for disciplinary reasons in accordance with Staff Rule 10.2 (a)(viii) and (ix) (sub-section 7.5 of this document);
 - (v) for facts anterior to the appointment (sub-section 7.6 of this document);

- (v) in the interest of the good administration of UNFPA with the consent of the staff member (“agreed termination” or “agreed separation”; sub-section 7.7 of this document);
- (vi) in the interest of the good administration of UNFPA without the consent of the staff member in the case of staff members holding a continuing appointment (sub-section 7.8 of this document);
- (f) Death (section 8 of this document).

3. RESIGNATION

Definition:

- 3.1 Pursuant to Staff Rule 9.2(a), “a resignation, within the meaning of the Staff Regulations and the Staff Rules, is a separation initiated by a staff member.”

Notice of resignation required for different types of appointment:

- 3.2 Unless otherwise specified in the Letter of Appointment, in accordance with Staff Rule 9.2(b), staff members on:
- (a) permanent or continuing appointments must give three months' written notice of resignation;
 - (b) fixed-term appointments must give 30 calendar days' written notice of resignation;
 - (c) temporary appointments must give 15 calendar days' written notice of resignation.

Procedure and form of resignation:

- 3.3 In accordance with Staff Rule 9.2(b), the staff member’s notice of resignation must be in writing. (An email containing a notice of resignation suffices.)
- (a) Internationally recruited staff members and locally recruited staff members serving at Headquarters should submit their resignation to the Director, DHR;
 - (b) Staff members in the General Service and related categories serving away from Headquarters should submit their resignation to their respective Human Resources Business Partner (HRBP).

Acceptance of resignations on shorter notice:

- 3.4 In accordance with Staff Rule 9.2(b), UNFPA may accept resignations on shorter notice.

The discretion to accept resignations on shorter notice is delegated to the:

- (a) Director, DHR, in respect of internationally recruited staff members and locally recruited staff members serving at Headquarters;
- (b) the respective HRBP, in respect of staff members in the General Service and related categories serving away from Headquarters. However, should allegations of misconduct have been made or disciplinary proceedings be pending against the staff member, the respective HRBP shall first consult with the Director, DHR, prior to accepting any resignation on shorter notice.

Resignation in person:

- 3.5 In accordance with Staff Rule 9.2(c), UNFPA may require the resignation to be submitted in person in order to be acceptable. The Director, DHR, or the concerned HRBP are delegated the authority to require the resignation to be submitted in person.

Performance of duties during notice period:

- 3.6 A staff member is expected to perform his or her duties during the applicable period of notice of resignation, except when the notice period falls within a period of authorized leave.

4. ABANDONMENT OF POST

Definition:

- 4.1 Staff Rule 9.3 provides: “Abandonment of post is a separation initiated by the staff member other than by way of resignation. Separation as a result of abandonment of post shall not be regarded as a termination within the meaning of the Staff Rules.”

- 4.2 A staff member who absents him/herself from duty without satisfactory explanation for 15 working days or more shall generally be considered as having abandoned his/her post.

Intent to abandon post:

- 4.3 Abandonment of post requires intent to do so. The intent of a staff member to abandon his/her post may either be explicit or may be presumed from the circumstances, including from the:
- (a) general failure of the staff member to report for duty;

- (b) failure of the staff member to report for duty at a new duty station following reassignment or selection against a new or vacant post;
- (c) failure of the staff member to report for duty on a new or vacant post at the same duty station following reassignment to or selection against the post;
- (d) absence of the staff member from work without proper authorization such as annual leave, special leave, sick leave, maternity or paternity leave, or sabbatical leave;
- (e) absence of the staff member from work without satisfactory proof that such absence was involuntary or caused by forces outside of the staff member's control;
- (f) performance by the staff member of an outside occupation or from accepting outside employment while absent without authorization or while on extended sick leave.

4.4 Abandonment of post is distinguished from the refusal or failure by a staff member to undertake assigned functions while serving on his/her post. The latter may constitute either a performance or a disciplinary issue (e.g. insubordinate conduct), depending on the circumstances.

Responsibility to keep Organization informed of contact information and absences:

4.5 It is recalled that staff members carry a responsibility to inform their supervisors of any absences, whether owing to illness, injury or any other cause. Furthermore, it is the responsibility of staff members to keep the Organization informed in writing of their current address and the person to be notified in case of accident or emergency.

Procedures in cases of suspected abandonment of post:

4.6 Following five working days of unexplained or unauthorized absence (including failure to report for duty after authorized leave or reassignment), the staff member should be notified that:

- (a) he/she is absent from duty without authorization;
- (b) such absence may constitute abandonment of post (Staff Rule 9.3); and
- (c) payment of salaries and allowances shall cease for the period of unauthorized absence (Staff Rule 5.1(e)(ii)).

4.7 Such notification will be made at the staff member's address on file or by email, as appropriate. Any refusal or failure to accept service will be construed as delivery.

4.8 Thereafter, if no satisfactory reply is received and/or the staff member does not report for duty as instructed within 10 working days following delivery of notification, UNFPA may make a determination that the staff member has abandoned his/her post and has thereby initiated his separation from service. The authority to make this determination is delegated to the Director, DHR.

Claims of absence based on reasons of health:

4.9 If a staff member affirms that his/her absence is the result of incapacity for reasons of health, he/she is required to submit a medical report no later than 10 working days following the initial absence from duty.¹ If the staff member does not produce any medical report, he or she should be instructed to submit one.²

4.10 If the staff member fails to produce a medical report or if the report produced is not acceptable to the United Nations Medical Service or a physician designated by the Medical Service and sick leave is not certified by the Medical Service, the staff member will be notified that sick leave has not been certified and that he/she must report for duty immediately or be separated for abandonment of post. If the staff member does not report for duty within a time frame set for that purpose by UNFPA, UNFPA may make a determination that the staff member has abandoned his/her post and has thereby initiated his separation from service. The authority to make this determination is delegated to the Director, DHR.

Reporting for duty within above stated time periods:

4.11 If the staff member reports for duty within the above time periods or the period specified in any notification or warning issued, the separation action shall be cancelled. The staff member may, however, be subject to administrative or disciplinary measures.

4.12 In accordance with Staff Rule 5.1(e)(ii), payment of salaries and allowances should cease for the period of unauthorized absence. Annual leave may not be utilized to cover absences that were not authorized. However, Staff Rule 5.1(e)(ii) further provides: “[I]f, in the opinion of the Secretary-General, the absence was caused by reasons beyond the staff member’s control and the staff member has accrued annual leave, the absence will be charged to that leave.”

Effective date of separation:

¹ Staff Rule 6.2(f) provides: “Staff members shall inform their supervisors as soon as possible of absences due to illness or injury. They shall promptly submit any medical certificate or medical report required under conditions to be specified by the Secretary-General.” See also ST/AI/2005/3 of 6 May 2005, which requires that a medical certificate or medical report must be submitted to the Medical Director no later than the tenth working day following the initial absence from duty.

² Staff Rule 6.2(g) further provides: “A staff member may be required at any time to submit a medical report as to his or her condition or to undergo a medical examination by the United Nations medical services or a medical practitioner designated by the United Nations Medical Director.”

- 4.13 The effective date of separation will be the date of the determination by the Director, DHR,
to treat the staff member's conduct as abandonment of post.

Other issues:

- 4.14 Separation for abandonment of post is not a termination initiated by UNFPA (Staff Rule 9.3). Therefore, the staff member is not given any notice of termination and is not entitled to the payment of termination indemnity. In accordance with Staff Rule 3.18(c)(iii), no repatriation grant is payable. However, the staff member is entitled to commutation into money of accrued annual leave (Staff Rule 9.9).

5. EXPIRATION OF FIXED TERM AND TEMPORARY APPOINTMENTS

Automatic expiration of appointment without notice:

- 5.1 Under the terms of Staff Rule 9.4, “[a] temporary or fixed-term appointment shall expire automatically and without prior notice on the expiration date specified in the letter of appointment.” Therefore, temporary and fixed-term appointments expire automatically and without prior notice on the expiration date specified either in the letter of appointment or in the personnel action/personnel action form by which the temporary or fixed term appointment was previously renewed.

No expectancy of renewal of appointment:

Fixed term appointment:

- 5.2 General Assembly resolution 63/250 of 24 December 2008 provides: “*The General Assembly ... [d]ecides that there shall be no expectations, legal or otherwise, of renewal or conversion of a fixed-term contract, irrespective of the length of service, and requests the Secretary-General to reflect this provision in the rules and regulations as well as offers and letters of appointment.*”

- 5.3 Staff Regulation 4.5(c) stipulates: “A fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service.” Furthermore, Staff Rule 4.13(c) provides: “A fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service ...”

Temporary appointment:

- 5.4 Staff Regulation 4.5(b) provides: “A temporary appointment does not carry any expectancy, legal or otherwise, of renewal. A temporary appointment shall not be converted to any other type of appointment.” Staff Rule 4.12(c) further provides: “A temporary appointment does

not carry any expectancy, legal or otherwise, of renewal. A temporary appointment shall not be converted to any other type of appointment.”

Separation as a result of expiration of appointment not to be regarded as a termination:

5.5 In accordance with Staff Rule 9.6(b), “[s]eparation as a result of ... expiration of appointment ... shall not be regarded as a termination within the meaning of the Staff Rules.”

Communication to staff member of decision not to renew appointment; disclosure of reason:

Procedure in cases of fixed term appointments:

5.6 All cases of non-renewal of fixed term appointments will be managed by DHR, irrespective of duty station and regardless of whether the staff member is locally or internationally recruited.

5.7 The authority to take decisions on the non-renewal of fixed term appointments is delegated to the Director, DHR.

5.8 Although fixed term appointments expire automatically and without the need for formal or legal notice (Staff Rule 9.4), DHR should, as a matter of good human resources management practice rather than on the basis of a legal obligation to do so, inform the staff member in writing a minimum of 30 calendar days prior to the expiration of the fixed term appointment that the appointment will not be renewed. The reason for the non-renewal would be given at that time.

5.9 Line Managers who recommend that a staff member’s fixed term appointment should not be renewed, should contact DHR early, leaving sufficient time for DHR to review the matter and for the Director, DHR, to take a decision.

Procedure in cases of temporary appointments:

5.10 Cases of non-renewal of temporary appointments will be managed by:

- (a) DHR in cases of internationally recruited staff members and staff members in the General Service category serving at Headquarters. The authority to take decisions on the non-renewal of temporary appointments is delegated to the Director, DHR;
- (b) the UNFPA field duty station in cases of staff members appointed in the General Service or National Officers categories. The authority to take decisions on the non-renewal of temporary appointments is delegated to the Manager of the UNFPA field duty station.

5.11 Although temporary appointments expire automatically and without notice, the staff member should, as a matter of good human resources management practice rather than on the basis of a legal obligation to do so, be informed in writing a minimum of 15 calendar days prior to the expiration of the temporary appointment that the appointment will not be renewed. The reason for the non-renewal would be given at that time.

Reason for decision not to renew appointment:

5.12 There may be various reasons for a decision not to renew an appointment, including, for example:

Reason of unsatisfactory performance:

5.13 Where reasons of unsatisfactory performance account for the decision not to renew the fixed term appointment, the departures from the required standards of performance should be reflected in “Performance Appraisal and Development” (PAD), UNFPA’s performance management system. However, while the PAD is aligned with the calendar year, the expiration dates of fixed term appointments are mostly not so aligned. (For example, a fixed term appointment might expire in the month of August, whereas the regular year-end appraisal in PAD for the year in question may be due only on 31 December.) Therefore:

- (a) If a fixed term appointment expires between 1 January and 30 June of any given year, it is not necessary to issue a year-end appraisal. In this case, the organization may rely on (a) previous year-end appraisal(s);
- (b) If a fixed term appointment expires between 1 July and 31 December of any given year, the year-end appraisal in PAD should be completed. The appraisal concerned may be performed prior to the Fund-wide year-end appraisal phase in PAD. Line Managers should contact CDMPB/DHR to obtain access to the year-end appraisal section in the PAD internet application earlier in the year if the year-end appraisal section is not already accessible. The staff member may be assigned deadlines to complete his or her part in the PAD. Should the staff member fail to do his or her part, the appraisal shall nevertheless proceed.

5.14 In the event that a staff member has submitted a statement of [rebuttal](#) in respect of the year-end appraisal relied upon by the organization for the administrative decision not to renew the fixed term appointment, the rebuttal should be reviewed by the UNFPA Rebuttal Panel prior to implementation of separation from service. Therefore, a fixed term appointment may have to be extended until the rebuttal review is completed. As feasible, the statement of rebuttal will be placed at the top of the docket of the Rebuttal Panel to expedite the review process. Any extension of the fixed term appointment to give effect to the staff member’s right to rebuttal review will not be counted for purposes of paragraph 5.13, above.

Reason of abolition of post/reduction of staff:

5.15 Reasons for abolishing a post or reducing the staff, leading to the decision not to renew a fixed term appointment, may include, but are not limited to:

- (a) changing programme requirements;
- (b) expiration of finite mandates (such as, for example, country programme cycles or technical assistance projects), tasks (other projects) or other short-term requirements in respect of which the appointment was made;
- (c) downsizing, restructuring or closing offices;
- (d) lack of funding;
- (e) changes in the functions, duties and responsibilities underlying a post if such changes are treated as an abolition of the current post and the establishment of a new post in accordance with the [UNFPA Policies and Procedures Manual: Human Resources: Posts](#).

5.16 The determination that a post should be abolished or staff should be reduced, leading to the non-renewal of the appointment of the incumbent, rests with the Line Manager.

Reason of expiration of term limit:

5.17 In accordance with the relevant provisions of the [UNFPA Policies and Procedures Manual: Human Resources: Personnel of UNFPA: Fixed Term and Continuing Appointments: Staffing](#), and/or decisions of UNFPA's Executive Board, selected posts in UNFPA are subject to term limits. Insofar as the expiration date of the fixed term appointment of the incumbent of a post subject to a term limit is aligned with the date of expiration of the term limit, UNFPA may decide not to renew the fixed term appointment so as to enforce the term limit.

6. RETIREMENT

Mandatory age of separation; effective date of retirement:

6.1 In accordance with Staff Regulation 9.2, a staff member shall not remain in active service beyond the age of:

- (a) 60 years, if appointed before 1 January 1990;
- (b) 62 years, if appointed between 1 January 1990 and 31 December 2013;

(c) 65 years, if appointed on or after 1 January 2014.

6.2 The effective date of retirement is the last day of the month in which the staff member reaches mandatory retirement age.

6.3 Staff Regulation 9.2 further provides: “The Secretary General may, in the interest of the Organization, extend this age limit in exceptional cases.” The criteria for the exceptional retention of staff beyond the mandatory age of separation are in the [UNFPA Policies and Procedures Manual: Human Resources: Personnel of UNFPA: Retention in service beyond the mandatory age of separation](#). In such a case, the staff member will remain a participant in the United Nations Joint Staff Pension Fund until his or her separation from service.

Re-employment following retirement:

6.4 For the rules pertaining to re-employment of retirees, refer to the [UNFPA Policies and Procedures Manual: Human Resources: Personnel of UNFPA: Employment of retirees](#).

7. TERMINATION OF APPOINTMENT

7.1 General information and procedures:

Definition:

7.1.1 Staff Rule 9.6(a) provides: “A termination within the meaning of the Staff Regulations and the Staff Rules is a separation from service initiated by the Secretary-General.” In UNFPA, therefore, termination is an administrative decision by the Executive Director to end the permanent or continuing appointment of a staff member prior to reaching the normal age of retirement or the fixed term or temporary appointment of a staff member prior to the date of expiration of the appointment.

7.1.2 Separation as a result of resignation, abandonment of post, expiration of appointment, retirement or death is not regarded as a termination within the meaning of the staff rules (Staff Rule 9.6(b)). Therefore, this section on termination of appointment does not apply to resignation, abandonment of post, expiration of appointment, retirement or a staff member’s death.

Grounds for termination:

7.1.3 The termination of an appointment requires that there are grounds for termination. Staff Regulation 9.3(a) and (b) enumerates the reasons for termination of appointment. Similarly, in accordance with Staff Rule 9.6(c), UNFPA may

“terminate the appointment of a staff member who holds a temporary, fixed-term or continuing appointment in accordance

with the terms of the appointment or on any of the following grounds:

- (a) Abolition of post or reduction of staff;
- (b) Unsatisfactory service;
- (c) Reasons of health;
- (d) Disciplinary reasons in accordance with staff rule 10.2 (a)(viii) and (ix);
- (e) If facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of his or her appointment, should, under the standards established in the Charter, have precluded his or her appointment;
- (f) In the interest of the good administration of the Organization and in accordance with the standards of the Charter of the United Nations, provided that the action is not contested by the staff member concerned.”

Staff Rule 9.6(d) further provides:

“In addition, in the case of a staff member holding a continuing appointment, the Secretary-General may terminate the appointment without the consent of the staff member if, in the opinion of the Secretary-General, such action would be in the interest of the good administration of the Organization, to be interpreted principally as a change or termination of a mandate, and in accordance with the standards of the Charter.”

Authority to terminate a UNFPA appointment:

- 7.1.4 The authority to terminate the appointment of a UNFPA staff member, irrespective of the type of appointment, rests with the Executive Director. This does not apply to agreed terminations and terminations for reason of health.
- 7.1.5 The Director, DHR, may recommend the termination of appointment of a UNFPA staff member to the Executive Director.
- 7.1.6 With regard to staff members administered at field duty stations, the Manager of the UNFPA field duty station shall refer any matter involving the possible termination of the

appointment of a UNFPA staff member to the Director, DHR, for his/her review and further action, as appropriate.

7.2 Termination following abolition of post or reduction of staff:

7.2.1 An appointment or a number of appointments may be terminated if the necessities of service require abolition of post or reduction of staff (Staff Regulation 9.3(a)(i) and Staff Rule 9.6(e)).

Necessities of service:

7.2.2 The determination as to whether the necessities of service require the abolition of a post or the reduction of staff leading to the termination of the incumbent's appointment rests within the discretion of the UNDP/UNFPA Executive Board and/or the Executive Director.

7.2.3 Reasons for abolishing a post or reducing the staff may include, but are not limited to:

- (a) changing programme requirements;
- (b) expiration of finite mandates (such as, for example, country programme cycles or technical assistance projects) or tasks (other projects) in respect of which the appointment was made;
- (c) downsizing, restructuring or closing offices;
- (d) lack of funding;
- (e) changes in the functions, duties and responsibilities underlying a post if such changes are treated as an abolition of the current post and the establishment of a new post in accordance with the [UNFPA Policies and Procedures Manual; Human Resources; Posts](#).

Informing the concerned staff member:

7.2.4 A staff member who encumbers a post that has been identified for abolition leading to the termination of his or her appointment shall be so informed six months prior to the abolition of the post. If the abolition of the post becomes effective earlier than six months after the staff member has been so informed, the staff member should be retained on an alternative post or other funding arrangement (e.g. "supernumerary post") until the expiration of the six-month time frame, or the remaining time may be commuted into cash.

7.2.5 The staff member shall be informed about the post abolition in writing (*e.g.* by letter, memorandum or e-mail). If such information was first given verbally, for example in a meeting with the Director, DHR, his/her designee or a Line Manager, it should be followed-up in writing; the six month time frame referred to above shall apply as of the date of such written information furnished to the staff member.

Protections in cases of abolition of post or reduction of staff:

7.2.6 Staff Rules 13.1 and 9.6(e) state the protections certain classes of staff members must be afforded in the event of abolition of their posts or reduction of staff. Staff Rule 13.1(d) provides:

“If the necessities of service require abolition of a post or reduction of the staff and subject to the availability of suitable posts for which their services can be effectively utilized, staff members with permanent appointments shall be retained in preference to those on all other types of appointments, provided that due regard shall be given in all cases to relative competence, integrity and length of service.”

Staff Rule 9.6(e) further provides:

“Except as otherwise expressly provided in paragraph (f) below and staff rule 13.1, if the necessities of service require that appointments of staff members be terminated as a result of the abolition of a post or the reduction of staff, and subject to the availability of suitable posts in which their services can be effectively utilized, provided that due regard shall be given in all cases to relative competence, integrity and length of service, staff members shall be retained in the following order of preference: (i) Staff members holding continuing appointments; ... (iii) Staff members holding fixed-term appointments.”

Therefore, these protections are subject to the requirement (a) that a post on which the services of the staff member can be retained is “available” and (b) that the available post is “suitable”, having due regard to relative competence, integrity and length of service.

Availability of a post:

7.2.7 An “available post” is defined as a UNFPA post that is vacant. In addition, it shall extend to a post that is becoming vacant and will be filled within the notice period. The funding source of the post may differ from that of the abolished post.

Suitability of the post:

7.2.8 The post is “suitable” if the staff member in question has the core and functional competencies required for the available post, as assessed in the respective staff selection process, taking into account relative competence, integrity and length of service.

Equally suitable applicants:

7.2.9 Equally suitable applicants on abolished posts will be retained in service in the following order of preference:

- (a) Staff members holding permanent appointments;
- (b) Staff members holding continuing appointments;
- (c) Staff members holding fixed-term appointments.

7.2.10 If two or more staff members on abolished posts within the same category are under consideration, the most suitable applicant will be selected.

Action by the staff member:

7.2.11 Staff members subject to abolition of post shall apply to available UNFPA posts for which they believe they have the required competencies.

Actions by DHR or relevant managers in the field:

7.2.12 In addition, the following steps may be taken: (i) Draw the attention of such staff members to specific posts that are available and solicit an application to the post from the staff member; (ii) add the staff member in question to a list of applicants or to a shortlist for an available post even if the staff member did not submit an application for that post. This is done:

- (a) by DHR in cases of internationally recruited staff members and staff members in General Service category serving at Headquarters; and
- (b) by the Manager of the UNFPA field duty station in cases of staff members appointed in the General Service or National Officers categories at field duty stations.

Review by DHR of a manager’s selection proposal or decision:

7.2.13 Should a staff member have applied to an available post but have not been proposed or selected by the Line Manager, DHR may review whether the Line Manager has given appropriate consideration to the question as to whether the available post is suitable for

the non-placed staff member. Should DHR conclude that appropriate consideration has not been given, DHR may request the Line Manager to reconsider his or her selection proposal or decision.

Feedback for the staff member:

7.2.14 A staff member subject to abolition of the post who unsuccessfully applied to another post may contact the relevant human resources officer servicing his administrative unit and solicit verbal feedback as to his/her performance in the selection process (*e.g.* in the job interview) and suggestions for improvement.

Locally recruited staff:

7.2.15 Regarding staff members subject to local recruitment, Staff Rule 9.6(f) provides: “The provisions of paragraph (e) above insofar as they relate to staff members in the General Service and related categories shall be deemed to have been satisfied if such staff members have received consideration for suitable posts available within their parent organization at their duty stations.”

Specific exercises concerning abolitions of posts/reductions in work force:

7.2.16 The Director, DHR, retains the right to establish special procedures, including the establishment of a panel to advise on payments to staff members over and above the termination indemnity contemplated in Annex III to the Staff Regulations, with regard to specific exercises concerning abolition of posts or reduction in work force, typology or the overall restructuring of the Fund. Such special procedures must comply with Staff Rules 13.1 and 9.6(e).

7.3 Termination for reason of unsatisfactory service:

7.3.1 A staff member's performance (in terms of either quantity or quality, or both) may be low or deteriorate to an extent that his/her service proves unsatisfactory and, as a result, his/her continued service with UNFPA is placed in question.

Regulatory framework:

7.3.2 UNFPA may, giving the reasons therefor, terminate the appointment of a staff member who holds a temporary, fixed-term, continuing or permanent appointment if the services of the staff member prove unsatisfactory (Staff Regulation 9.3(a)(ii), Staff Rules 9.6 (c)(ii) and 13.1(a)).

General information:

7.3.3 Termination of appointment for reason of unsatisfactory service is a matter that requires guidance from DHR. In order to ensure compliance with the staff regulations and rules, Line Managers should contact DHR early if faced with the deterioration of a staff member's performance.

Sub-standard results in performance appraisals:

7.3.4 Various tribunals have emphasized the link between the relevant organization's performance appraisal system and any termination of appointment for unsatisfactory service. The UNFPA human resources tool for reporting and documenting unsatisfactory service is "Performance Appraisal and Development" (PAD), UNFPA's performance management system. Supervisors must use this system to record poor, sub-standard or deteriorating performance.³

Determination of unsatisfactory performance:

7.3.5 Performance appraisals in PAD are made by supervisors in regular intervals. Such performance appraisals include one combined performance rating each for (1) "work plan output", (2) "core competency proficiency" and (3) "functional competency proficiency"⁴. For purposes of termination of appointment for unsatisfactory service, the Director, DHR, may determine that the performance of a staff member is "unsatisfactory" if the staff member has received combined performance ratings in PAD as follows:

- (a) Performance is appraised in two consecutive intervals as not achieved/not proficient regarding at least one combined performance rating; or
- (b) Performance is appraised in three consecutive intervals as partially achieved/developing proficiency, or worse, regarding at least one combined performance rating.

7.3.6 Should the staff member concerned have submitted a timely statement of rebuttal in respect of a performance appraisal under the terms of the [UNFPA Policies and Procedures Manual: Human Resources: Performance Appraisal Rebuttal](#), which is to be considered under (a) or (b) of the preceding paragraph, the Director, DHR, should not make any final determination regarding unsatisfactory performance before the rebuttal proceeding is completed.

7.3.7 On the basis of a determination of unsatisfactory performance made as described above, the Director, DHR, may issue a recommendation to the Executive Director that the

³ N.b.: The Performance Appraisal and Development Guide (PAD Guide Book) provides guidance to managers on how to use this tool. In addition, managers may contact the Chief, Learning and Career Management Branch, DHR, with questions pertaining to the performance appraisal process.

⁴ PAD provides for a fourth combined performance rating, namely for "developmental output". For purposes of determining unsatisfactory performance, the performance rating for developmental output is not relevant and disregarded.

appointment be terminated for unsatisfactory service. With regard to a staff member holding a permanent appointment, the DHR Director's recommendation to that effect must be referred to the UNFPA Compliance Review Board (CRB) at Headquarters for review before the Executive Director takes a final decision (Staff Rule 13.1(b)(i)). The rules of procedure of the CRB at Headquarters for the review of selection decisions shall *mutatis mutandis* apply.

- 7.3.8 If a staff member fails or refuses to participate in the PAD, he/she may be admonished. However, failure or refusal to participate in the PAD does not provide an avenue for the staff member to evade the appraisal of his or her performance or to circumvent the above described process. Therefore, even if a staff member fails or refuses to participate in the PAD, the supervisor retains the right and the obligation to render a written appraisal of the staff member. This is equally accomplished in the PAD. On technical, PAD-related questions, such as generation of, access to or closing of the internet-based PAD appraisal form in cases in which a staff member is refusing or failing to participate in the PAD-based appraisal process, the Line Manager should contact the Learning and Career Management Branch, DHR, for assistance.

Exceptionally severe cases of unsatisfactory performance:

- 7.3.9 In exceptional cases, it may occur that a staff member's performance of one or several acts, tasks, projects or similar undertakings is categorically below the standard of performance expected from the staff member, making it plainly unreasonable to provide the staff member with the privilege of an opportunity for improvement. This would be the case where the staff member's departure from the standards of performance was exceptionally severe. In such a case, an appraisal in PAD may be made immediately (*i.e.* without waiting until year-end) and a determination by the Executive Director that the staff member's service is "unsatisfactory" may be justified on the basis of the PAD. This does not prejudice the right of the staff member to seek a review of the relevant performance report by way of rebuttal.

7.4 Termination for reason of health:

- 7.4.1 In accordance with Staff Regulation 9.3(a)(iii) and Staff Rule 9.6(c)(iii), an appointment may be terminated for reasons of health. Staff Rule 9.6(i) further provides: "The appointment of a staff member who has not attained the mandatory age of retirement established in the Staff Regulations and Staff Rules but whose physical or mental condition or extended illness renders him or her incapacitated for further service may be terminated after exhaustion of any sick leave entitlement."
- 7.4.2 The process of termination for reasons of health is governed by the administrative policies and procedures of UNDP and the United Nations Secretariat as well as the regulations of the United Nations Joint Staff Pension Fund.

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- 7.4.3 The notice of termination will be issued by an officer of DHR or an appropriate officer at the UNFPA field duty station.
- 7.5 **Termination for disciplinary reasons in accordance with Staff Rule 10.2(a)(viii) and (ix):**
- 7.5.1 The appointment of a UNFPA staff member may be terminated for disciplinary reasons by way of either “separation from service” in accordance with Staff Rule 10.2(a)(viii) or “dismissal” in accordance with Staff Rule 10.2(a)(ix). The Executive Director must give the reasons for such termination (Staff Regulation 9.3(a) and Rule 9.6(c)).
- 7.5.2 For details on the procedures and protections applicable in cases of allegations of misconduct, refer to the [UNFPA Policies and Procedures Manual: Human Resources: Disciplinary Framework](#).
- 7.6 **Termination for facts anterior to the appointment:**
- 7.6.1 The appointment of a UNFPA staff member may be terminated “[i]f facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of his or her appointment, should, under the standards established in the Charter, have precluded his or her appointment” (Staff Regulation 9.3(a)(v) and Rule 9.6(c)(v)). The Executive Director must give the reasons for such termination (Staff Regulation 9.3(a) and Rule 9.6(c)).
- 7.6.2 With regard to staff members holding a permanent appointment, Staff Rule 13.1(b)(ii) further provides: “No termination under staff rule 9.6(c)(v) shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Secretary-General. The special advisory board shall be composed of a Chairman appointed by the Secretary-General on the nomination of the President of the International Court of Justice and four members appointed by the Secretary-General in agreement with the Staff Council.”
- 7.7 **Termination in the interest of the good administration of UNFPA with the consent of the staff member (“agreed termination” or “agreed separation”):**
- 7.7.1 In accordance with Staff Regulation 9.3(a)(vi), an appointment may be terminated “[i]n the interest of the good administration of the Organization and in accordance with the standards of the Charter, provided that the action is not contested by the staff member concerned”.
- 7.7.2 The staff member, DHR, the Manager of the UNFPA field duty station or the Line Manager, may propose terms of agreed separation or initiate discussions in this regard.

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- 7.7.3 Subject to the terms of Staff Regulation 9.3(d), UNFPA may pay to the staff member whose appointment is terminated on the basis of an agreed separation, a termination indemnity that is up to 50% higher than the termination indemnity otherwise payable in accordance with Annex III to the Staff Regulations. It is important to note that a determination as to whether the agreed termination of an appointment is in the interest of the good administration of UNFPA is subject to the discretion of UNFPA. As provided in Staff Regulation 9.3(d), the relevant staff member is required to sign a statement that he/she does not contest the termination (Statement of No Contest).
- 7.7.4 DHR will coordinate financial and budgetary aspects of such agreements with the Division for Management Services and other offices in UNFPA, as appropriate. In all cases DHR will seek the assurance that appropriate funds are available. If the Director, DHR, considers it appropriate, he/she may establish a panel to advise him/her in individual or multiple cases on agreed separations (Advisory Panel on Agreed Separation).
- 7.7.5 The payment of a termination indemnity to the staff member that is higher than the termination indemnity otherwise payable is not possible if no termination indemnity is payable at all, including to:
- (a) a staff member who resigns;
 - (b) a staff member who is separated on account of expiration of appointment;
 - (c) a staff member who is dismissed;
 - (d) a staff member who abandons his or her post;
 - (e) a staff member who proceeds to enter into normal retirement under the Regulations of the United Nations Joint Staff Pension Fund.
- 7.7.6 In cases of agreed separation, the staff member will normally receive a lump sum payment that includes the termination indemnity as provided for under Annex III to the Staff Regulations plus an additional indemnity payment as mutually agreed.
- 7.7.7 The Director, DHR, is delegated the authority to approve agreed terminations, including any payment of a termination indemnity up to 50% higher than the termination indemnity otherwise payable.
- 7.8 **Termination in the interest of the good administration of UNFPA without the consent of the staff member holding a continuing appointment:**

7.8.1 In accordance with Staff Regulation 9.3(b) and Rule 9.6(d), in the case of a staff member holding a continuing appointment, UNFPA may terminate the appointment without the consent of the staff member if, in the opinion of UNFPA, such action would be in the interest of the good administration of the Organization, to be interpreted principally as a change or termination of a mandate, and in accordance with the standards of the Charter.

7.9 NOTICE OF TERMINATION:

7.9.1 The notice of termination required with regard to staff members holding:

- (a) permanent and continuing appointments is not less than three months (Staff Rules 9.7(a); 13.1(a));
- (b) fixed term appointments is not less than 30 calendar days or such period as may be stipulated in the Letter of Appointment (Staff Rule 9.7(b));
- (c) temporary appointments is not less than 15 calendar days or such period as may be stipulated in the Letter of Appointment (Staff Rule 9.7(c)).

7.9.2 Notice periods are counted from the date of receipt by the staff member of the written notification.

7.9.3 In lieu of the statutory period of notice given to a staff member whose appointment is to be terminated, the Director, DHR may authorize compensation corresponding to the relevant notice period. In this case, all salaries, allowances and other benefits, which the staff member would have received had he/she served the period of notice, are taken into account, including post adjustment, dependency allowances, special post allowance, education grant etc. The period is counted in the calculation of terminal payments. However, the notice period is not counted as time in service for any other purpose. Furthermore, annual leave does not continue to accrue. The salary paid in lieu of notice is not pensionable and the period is not counted as contributory service.

7.9.4 No termination notice or compensation in lieu of notice is given in case of dismissal (Staff Rule 9.7(e)).

8. DEATH

8.1 The death of a staff member constitutes separation from service (see Staff Rule 9.1 (vi)). Upon the death of a staff member, necessary action will be taken by reference to UNDP's administrative policies and procedures.

9. CERTIFICATION OF SERVICE

9.1 Any staff member who so requests shall be given, when leaving the service of UNFPA, a statement relating to the nature of his/her duties and the length of service. Upon the staff member's written request, the statement shall also refer to his/her performance and conduct (Staff Rule 9.12).

9.2 Certifications of service are distinguished from responses to inquiries from prospective or future employers or from other United Nations common system organizations.

10. ENTITLEMENTS AND BENEFITS UPON SEPARATION

10.1 Entitlements and benefits accruing to UNFPA staff members are administered by UNDP:

- (a) Internationally recruited staff members and locally recruited staff members serving at UNFPA Headquarters should contact the UNDP Benefits and Entitlements Service in UNFPA;
- (b) Locally recruited staff members at UNFPA field duty stations should contact UNDP at the relevant duty station.

10.2 For further information regarding separation entitlements, UNFPA staff members may refer to the [UNDP User Guide, Programme and Operations Policies and Procedures, Human Resources, Separation from Service, Entitlements upon Separation](#) or visit the website of the UNDP Benefits and Entitlements Service at <http://sas.undp.org>.

10.3 The following entitlements and benefits may apply:

- (a) Pension benefits, in accordance with the Regulations of the United Nations Joint Staff Pension Fund;
- (b) After service health insurance;
- (c) After service life insurance;
- (d) Return travel for staff member and family;
- (e) Transportation expenses of personal effects and household goods;
- (f) Termination indemnity;
- (g) Repatriation grant;
- (h) Commutation of accrued annual leave;
- (i) Death benefit.

11. GENERAL AND CROSS-SECTIONAL ISSUES

Improper academic degrees or credentials

11.1 Improper academic degrees or credentials can take a number of forms, including that: the degree is fake; the degree was issued by an institution that is or was not accredited by a recognized accrediting agency or association; the degree was issued by an institution, accredited or not, that requires no or only minimal academic work for the award of degrees, or that has offered to sell or sold degrees (so-called “diploma mills”). Moreover, it may be the case that the improper academic degree was used by the staff member for purposes of recruitment, *i.e.* to obtain employment with UNFPA; or to obtain or procure other advantages later, for example a selection decision, promotion or reassignment.

11.2 Where it is discovered that a staff member used or uses improper academic degrees or credentials, UNFPA may consider appropriate action, including action resulting in separation from service. Depending on the circumstances, action resulting in separation from service may include non-renewal of a fixed term or temporary appointment; termination for facts anterior to the appointment; or termination of appointment or dismissal following disciplinary proceedings.

Departures

11.3 Departures from the terms of this document are permissible provided such departures are necessary for a fair and expeditious administration, without prejudice to the staff member’s right to due process.

12. FINAL PROVISIONS

12.1 The separation policy of 25 July 2006 in the UNFPA Policies and Procedures Manual is herewith abolished.

ANNEX

Action or administrative decision	Person authorized to act or take decision
Accepting resignations on shorter notice	Director, DHR HRBP
Requiring resignation to be submitted in person	Director, DHR HRBP
Determination that staff member has abandoned his/her post	Director, DHR
Decision on the non-renewal of fixed term appointments	Director, DHR
Decision on the non-renewal of temporary appointments of internationally recruited staff and locally recruited staff at HQ	Director, DHR
Decision on the non-renewal of temporary appointments of locally recruited staff at field duty stations	Manager of the UNFPA field duty station
Determination that necessities of service require abolition of post or reduction of staff leading to non-renewal of appointment	Line Manager
Determination that necessities of service require abolition of post or reduction of staff leading to a termination of appointment	Executive Board ED
Decision to terminate appointment for abolition of post or reduction of staff	ED
Establish special procedures, including establishment of a panel to advise on payments to staff over and above the termination indemnity contemplated in Annex III to the Staff Regulations, with regard to specific exercises concerning abolition of posts or reduction in work force	Director, DHR
Termination for unsatisfactory service	ED
Determination of unsatisfactory performance	Director, DHR
Termination for reasons of health	Officer of DHR Appropriate officer at UNFPA field duty station
Termination for disciplinary reasons	ED
Termination for facts anterior to the appointment	ED

UNFPA

Approve termination in the interest of the good administration of UNFPA (“agreed separation” or “agreed termination”), including payment of indemnity up to 50% higher than the termination indemnity otherwise payable under Annex III to Staff Regulations	Director, DHR
Establish Advisory Panel on Agreed Separation	Director, DHR
Termination in the interest of the good administration of UNFPA without the consent of the staff member holding a continuing appointment	ED