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CHAPTER XI

REPRIMAND, SUSPENSION, DISCIPLINARY MEASURES, OMBUDSMAN PANEL AND APPEALS

21100 GENERAL

1. This chapter deals with the types of action which may be taken in the event that a staff member does not conform to the standards expected of an international civil servant in regard to work performance or conduct.
2. It also describes informal and formal recourse procedures available to the staff members. Normal requests for clarification of policies, practices or procedures on personnel matters, interpretation of Staff Regulations and Staff Rules and personnel directives are handled through official correspondence and the normal channels of communication. The immediate supervisors concerned and the relevant staff of the Office of Human Resources are responsible for providing advice, guidance and assistance in the application of personnel policies and procedures to specific situations and for initiating the necessary actions.

21101 REPRIMAND

1. A reprimand is a written notice issued by a supervisory official to a staff member usually relating to minor incidents in connection with work -related matters. A letter of reprimand has the connotation of a warning and is *not* considered a disciplinary measure under the Staff Rules. In this sense it is distinguished from a written censure, which is a disciplinary measure and can be issued only by the Administrator.¹

2. A copy of the letter of reprimand is forwarded to the Office of Human Resources for inclusion in the official status file of the staff member concerned and forms part of the accumulated record of service.

¹United Nations Staff Rule 110.3(a) refers.

21102 SUSPENSION FROM DUTY PENDING INVESTIGATION¹

1. When a staff member is charged with misconduct, the Administrator may decide to suspend him/her from duty pending investigation. Such a measure is appropriate when the continued service of the staff member during the course of the investigation would be incompatible with good administration. It does not in any way prejudice the rights of the staff member.

2. Suspension pending investigation is normally with pay. If, however, the act attributed to the staff member is such as to be incompatible with continued service in UNDP and to justify summary dismissal (e.g. fraud, misappropriation of funds or property), suspension could be without pay.

¹United Nations Staff Rule 110.4 and 210.2 refer.

21103 UNDP/UNFPA DISCIPLINARY COMMITTEE

1. The purpose of the Disciplinary Committee is to review all cases of alleged misconduct of staff members and to recommend to the Administrator the appropriate disciplinary measures to be taken or otherwise, in accordance with the provisions of the Staff Regulations and Staff Rules.¹
2. The Disciplinary Committee is composed of UNDP/UNFPA staff members including a chairperson, vice-chairperson, and eight members. At least one member is from the General Service category and one member serving with UNFPA. Five members including the chairperson or vice-chairperson should constitute a quorum for the purpose of considering cases. If the chairperson or vice-chairperson are unable to serve, the members considering a case should select a chairperson among themselves. The chairperson, the vice-chairperson and members are appointed for a period of two years by the Administrator following consultations with the UNDP/UNFPA Staff Council, in the same manner as for all other advisory bodies.
3. A staff member involved in a disciplinary case may present written objections to the chairperson regarding the participation of a member in the case. The chairperson then makes the final determination on the composition of the Disciplinary Committee considering the case.

¹Article X of the Staff Regulations and Chapter X of the Staff Rules refer.

21104 PROCEDURES APPLICABLE TO CASES OF MISCONDUCT

1. Under Staff Rule 110.1 misconduct may occur when a staff member fails "to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other administrative issuances" or fails "to observe the standards of conduct expected of an international civil servant." Conduct for which disciplinary measures may be imposed includes, but is not limited to:

- Acts or omissions in conflict with the general obligations of staff members set forth in Article I of the Staff Regulations;
- An unlawful act (e.g. theft, fraud, possession or sale of illegal substances, smuggling) wherever it occurs, and whether or not the staff member was on official duty at the time;
- Misrepresentation or false certification in connection with any official claim or benefit, including failure to disclose a fact material to that claim or benefit;
- Assault, harassment, or threats affecting other staff members;
- Misuse of official equipment or files, including electronic files;
- Misuse of office; abuse of authority; breach of confidentiality; abuse of United Nations privileges and immunities; and
- Acts or behaviour that would discredit the United Nations; UNDP or UNFPA.

2. No disciplinary measure, other than summary dismissal, (see section 21106) may be imposed on a staff member until the established procedures specified below have been complied with in order to guarantee due process in cases of alleged misconduct.

3. In general, when misconduct is attributed to a staff member serving in New York, the Director, Office of Human Resources, initiates an investigation in order to establish the facts. When misconduct is attributed to a staff member serving either at country offices or in Geneva, the resident representative or head of the European office in Geneva, as applicable, conducts a preliminary investigation.

4. If the preliminary investigation appears to indicate that the report of misconduct is well founded, the head of office or responsible official shall immediately report the matter to the Director, Office of Human Resources, giving a full account of the facts that are known and attaching relevant documents.

5. If the conduct appears to be of such a nature and of such gravity, as specified above, that suspension may be warranted, the head of office or responsible official should make a recommendation to that effect to the Director, Office of Human Resources, giving reasons. As a general principle, suspension may be resorted to if the conduct in question might pose a threat to other staff members or to UNDP/UNFPA, or if there is a risk of evidence being tampered with or concealed and if redeployment of the staff member is not feasible.

6. The staff member is informed in writing of the allegations of misconduct which caused the

investigation and is requested to give his/her version of the matter, to suggest other persons of whom inquiry might be made and to call witnesses on his/her behalf. Unless circumstances make it clearly impossible to do so:

- The staff member is interviewed in person;
- The staff member's statement is taken down in writing and signed by him/her; and
- The staff member is given a copy of the statement.

The above is made without prejudice to the right of the staff member to submit other written statements and other pieces of information.

7. As from the time the staff member is informed in writing of the allegations against him/her, he/she may obtain the advice of another staff member of his/her choice, at the same duty station, for the preparation of his/her defence.

8. If the Director, Office of Human Resources, authorizes suspension, the staff member will be informed of the reason for the suspension and its probable duration and will immediately surrender his or her grounds pass, if any. Suspension under Staff Rule 110.2(a) is normally with pay, unless the Director, Office of Human Resources decides that exceptional circumstances warrant suspension without pay. In either case the suspension will be without prejudice to the staff member's rights and will not constitute a disciplinary measure. A staff member on suspension may not enter UNDP/UNFPA premises without first obtaining a clear permission from the competent official. Such entry will be under escort and in connection with the staff member's defense of the case or other valid reason warranting such entrance.

9. At Headquarters, following the initial investigation and the staff member's response, if the Director, Office of Human Resources, is satisfied that there are no grounds warranting disciplinary action, the latter should close the matter and cancel the suspension, if any. On the other hand, if the Director, Office of Human Resources, is satisfied that a prima facie case exists, the Director should inform the staff member of the decision to refer the case to the Disciplinary Committee. Such referral may be waived under Staff Rule 110.4(b)(i) by mutual agreement of the staff member concerned and the Director, Office of Human Resources. A waiver means that the staff member agrees to forego Disciplinary Committee proceedings and would accept the Administrator's decision regarding the disciplinary measure which the Administrator may choose to impose under the provisions of Staff Rule 110.3(a).

10. In the absence of such mutual agreement the Director, Office of Human Resources, should charge the staff member and submit the case with all the evidence at hand to the Chairperson of the Disciplinary Committee.

11. In country offices when the resident representative becomes aware of misconduct on the part of a staff member, the resident representative immediately informs the Director, Office of Human Resources, by cable and initiates a preliminary investigation in order to establish the facts. If the misconduct is of such a serious nature as to warrant suspension, the resident representative should convey that view to the Director, Office of Human Resources, who may authorize the immediate suspension of the staff member. The investigation may be conducted by a panel of inquiry constituted by the resident representative. Such investigation should include statements from witnesses, signed by them where possible.

12. A report is prepared by the panel of inquiry investigating the matter and will provide:

- An account of the investigation;
- Conclusions of fact;
- An evaluation of the circumstances of the case as a whole;
- Statement of charges that appear to be supported by the evidence; and
- Copies of all statements or other evidentiary material obtained in the course of the investigation.

13. The complete report is communicated to the staff member, who is allowed a reasonable period of time, specified in advance, taking into account the circumstances of the case, to make any answer to the charges or any further submission he/she may wish to be considered by the Administrator prior to a decision on the case.

14. The complete report together with all the submissions by the staff member is forwarded, as speedily as possible, to the Director, Office of Human Resources, who reviews the case and submits it to the UNDP/UNFPA Disciplinary Committee. The Disciplinary Committee acts with the utmost dispatch in considering a case.

15. If the continued service of the staff member during the course of the investigation in the field would be incompatible with good administration, a recommendation by cable (or similar immediate communication) to the Director, Office of Human Resources, may be made for his/her suspension (see Human Resources Manual, Volume I, section 10901), giving sufficient details to enable the Administrator to take a decision. Suspension in such cases should normally be with pay and without prejudice to the rights of the staff member.

16. Where the act (such as, but not limited to, misappropriation of funds or property) attributed to the staff member is obviously incompatible with continued service in the Organization and summary dismissal is recommended¹, the initial recommendation should be urgently followed by the evidentiary material. Suspension in such a case should normally be made without pay, pending communication of the Administrator's decision.

17. Depending upon the nature of the case, the Administrator may decide on one of the following disciplinary measures (see section 21106):

- Written censure;
- Loss of one or more steps -in-grade;
- Deferment for a specified period of eligibility for within -grade increment;
- Suspension without payment;
- Fine;

- Demotion;
- Separation from service with or without notice or compensation in lieu thereof notwithstanding Staff Rule 109.3; or
- Summary dismissal for serious misconduct.

18. In the event that the Administrator is satisfied, following an investigation, that the serious nature of the misconduct committed by a staff member warrants an immediate separation from service, the Administrator may summarily dismiss the staff member without referral to the Disciplinary Committee.

19. A staff member who is dissatisfied with the Administrator's decision of summary dismissal may, within two months after having received such written notification, request the Administrator to submit the case to the Disciplinary Committee. The Committee will then follow the same procedure as established for disciplinary cases which are submitted to it by the Director, Office of Human Resources. When the Administrator's decision is taken after a full review by the Committee, a dissatisfied staff member shall submit his or her application directly to the United Nations Administrative Tribunal. The procedure is outlined in the statute of the Administrative Tribunal.

¹Staff Regulation 10.2, second part refers.

21105 PROCEDURES APPLICABLE TO CASES OF SEXUAL HARASSMENT

The policy regarding sexual harassment and related information is covered in Chapter I, section 20109.

The following subsections, below, cover the procedures to follow for the informal or formal resolution of a complaint of sexual harassment.

1.0 Informal approach to resolve complaints of sexual harassment

1. The informal approach is intended to resolve a complaint of sexual harassment through mediation between the parties involved and by providing advice and counsel on a strictly confidential basis. An individual based at Headquarters or in a country office may bring a complaint to the attention of any member of the Ombudsman Panel or to a staffing officer for informal resolution. The request may be made orally or in writing.

- In cases where an individual at Headquarters selects the informal approach, a member of the Ombudsman Panel or a staffing officer in OHR should review the case and should approach the alleged offender on a strictly confidential basis;
- In cases where an individual in a country office selects the informal approach, a member of the Ombudsman Panel or a staffing officer will, in consultation with the complainant, normally nominate a member of the country office. If there is perceived conflict of interest, a senior manager from one of the United Nations agencies represented at the field level will review the matter and approach the alleged offender on a strictly confidential basis to resolve the situation.

2. The member of the Ombudsman Panel or the staffing officer will notify the nominated party and explain the Sexual Harassment Policy and Procedures and suggest ways of dealing with the situation. The nominated staff member will inform the staffing officer or the member of the Ombudsman Panel of the outcome.

3. No formal record of the complaint will be entered into any official status or other file of the parties concerned.

4. In cases where the situation revealed by the informal approach appears to indicate that misconduct has occurred which may warrant administrative action or disciplinary measures, as described in Staff Rule 110.3 and sections 21104 and 21106 of this manual, the staffing officer will recommend in writing that OHR refer the matter to the Grievance Panel on Sexual Harassment. In making this recommendation, the staffing officer concerned should prepare a report indicating why the matter warrants further examination. In such cases, the complainant and the alleged offender should receive a copy of the report.

2.0 Formal approach to resolve complaints at Headquarters and country offices

1. The formal approach is intended to resolve a complaint of sexual harassment through a process that includes initial investigation and fact-finding conducted by a panel of three staff members.

2. In circumstances where the informal approach is not considered appropriate by a complainant or has not yet yielded a satisfactory resolution, a formal written complaint may be made by the complainant to OHR. In cases where the informal approach was handled by the Ombudsman Panel, the complainant may request the assistance of the Ombudsman Panel in the preparation of a formal

complaint to OHR. The complainant may also request that the Ombudsman Panel prepare a report on its findings which should be attached to the complaint to OHR. If the complaint is lodged against a staff member assigned to OHR, the written complaint should be addressed to the Office of the Administrator, UNDP. The written complaint should be referred by OHR to the Coordinator of the Grievance Panel within three business days of receipt.

2.1 Grievance panel on sexual harassment

1. The purpose of the Grievance Panel is to investigate formal complaints of sexual harassment brought by staff members either at Headquarters or in the country offices. Staff members should be assured that all complaints of sexual harassment will be handled promptly and in a full, fair and confidential manner.

2. The Panel is composed of ten staff members who are jointly recommended by OHR and the Staff Council and approved by the CGSM.

- The Grievance Panel should be gender -balanced;
- The members of the Grievance Panel should be appointed for two -year terms. Among the first ten members appointed, five should be appointed for a three -year term in order to ensure continuity in the functioning of the Grievance Panel. Upon expiration of the terms of members appointed for three years, their successors should be appointed for two -year term;
- The members of the Grievance Panel should select a Coordinator; and
- Members of the Grievance Panel will be specially trained in the sensitive and confidential handling of these complaints.

2.2 Procedures

1. The written complaint should describe the specific act(s) or behaviour(s) which are being objected to, the date(s), time, location(s) and circumstances, and include any other information and evidence relevant to the matter. The complaint should identify the alleged offender, any witnesses, and anyone to whom the incident might have been mentioned. It should be dated and signed by the complainant.

2. At the time a complaint is referred to the Coordinator of the Grievance Panel, a copy of the complaint should be forwarded by OHR to the alleged offender who will be informed in writing of the following: i) the right to respond in writing and to produce countervailing evidence within a specified time (the amount of time allowed for the response should take account of the seriousness and complexity of the matter); ii) the right to seek the advice of another staff member or retired staff member to assist in his or her response; and iii) the right to request that the Ombudsman Panel prepare a report on its findings, if any, under the informal approach.

3. The Coordinator should appoint a three -member panel to conduct an initial investigation and fact-finding of the case. The panel should be constituted as follows:

- (i) In case of alleged sexual harassment at Headquarters, the Coordinator should designate three members of the Grievance Panel to examine each case;

- (ii) In cases of alleged sexual harassment in a country office, the Coordinator should select at least one member of the panel from the Grievance Panel and the remaining panel members from staff assigned to the duty station. In cases involving senior management, i.e., resident representative, country director or deputy resident representatives, all three members of the panel may be selected from the Grievance Panel;
 - (iii) The Coordinator should excuse any panel member from consideration of a specific case if it appears that there may be conflict of interest; and
 - (iv) The Coordinator may disqualify a panel member from consideration of a case at the request of either party. The Coordinator may also excuse any member at that member's request from consideration of a specific case
4. When the three-member panel conducts the initial investigation and fact-finding they normally interview the complainant, the alleged offender, any witnesses and others who may be able to provide relevant information.
5. The three-member panel should submit a written report on the initial investigation and fact-finding directly to the Director, OHR within normally one month from receipt of the complaint by the Coordinator. In cases of complaints addressed to the Office of the Administrator (OA) the panel shall submit a written report directly to the Administrator. The alleged offender, the complainant and the Coordinator of the Grievance Panel should at the same time receive a copy of the report.
6. Upon review of the report, OHR or the OA should proceed as follows:
- (i) If the facts established by the initial investigation do not indicate that misconduct has occurred, decide that the case should be closed;
 - (ii) If the facts appear to indicate that misconduct has occurred, refer the matter to the Disciplinary Committee for review and recommendation to the Administrator; and
 - (iii) If the facts clearly indicate that misconduct has occurred and that the seriousness of the misconduct warrants immediate separation from service, recommend to the Administrator that the alleged offender be summarily dismissed.
7. If the facts established by the initial investigation appear to indicate that the complainant has intentionally made false statements in connection with the lodging of a formal complaint of sexual harassment, OHR or OA should refer the matter to the Disciplinary Committee for review and recommendation to the Administrator.
8. The complainant and the alleged offender should be informed promptly by OHR or OA in writing of the course of action taken.
9. If a matter is referred to the Disciplinary Committee, OHR or OA will follow the procedures set forth in section 21103.
10. If a staff member is summarily dismissed, the staff member will be informed of the right to have the decision reviewed by the Disciplinary Committee within two months from the date of receipt of the

written notification of separation.

21106 DISCIPLINARY MEASURES

After receiving the relevant report, the Administrator may, if he decides a disciplinary measure is warranted, impose one of the following measures:

- Written censure;
- Loss of one or more steps -in-grade;
- Deferment, for a specified period, of eligibility for within -grade increment;
- Suspension without pay;
- Fine;
- Demotion;
- Separation from service with or without notice or compensation in lieu, thereof, notwithstanding Staff Rule 109.3; or
- Summary dismissal.

1.0 Written censure

A written censure is a letter from the Administrator indicating that the staff member has committed wrongdoing. Written censure is taken into account, along with the staff member's performance, in evaluating whether his/her service has been satisfactory.

2.0 Loss of one or more steps -in-grade

Staff member's current step -in-grade is changed from its present level to a lower level.

3.0 Deferment, for a specified period, of eligibility for within -grade increment

Staff member's eligibility for a within -grade increment is postponed for a specified period.

4.0 Suspension without pay

Staff member is not permitted to serve for a specified period of time, during which his/her salary and allowances are withheld.

5.0 Fine

Staff member is assessed a monetary penalty which is either paid directly by the staff member or deducted from his/her emoluments.

6.0 Demotion

Staff member's existing grade is changed to a lower grade.

7.0 Separation from service, with or without notice, or compensation in lieu thereof

Staff member is separated from service by the Administrator after referral of the case to the UNDP/UNFPA Disciplinary Committee. This separation may occur with or without notice of termination or compensation in lieu thereof, notwithstanding Staff Rule 109.3, and with or without payment of termination indemnity (see section 2100 1).

8.0 Summary dismissal

1. Staff member is dismissed by the Administrator for serious misconduct without referral to the UNDP/UNFPA Disciplinary Committee if the act attributed to the staff member in question is obviously incompatible with his/her continued service with UNDP. Summary dismissal does not require any notice to be given and no termination indemnity is payable (see section 21000, subsection 1.6).

2. The following measures are not considered as disciplinary measures:

- Reprimand, written or oral, by a supervisory official;
- Recovery of monies owed to the Organization; and
- Suspension pursuant to Staff Rule 110.2.

21107 CASES OF SUSPECTED CRIMINAL ACTIVITY

1. Local law and police regulations apply in general to all UNDP staff members, subject to the provisions in the Convention on Privileges and Immunities of the United Nations and/or the UNDP Standard Basic Assistance Agreement with the host government, which provide for immunity for official acts for all staff members. In practice, the Organization's right of functional protection extends to staff members and their families.
2. Where a case of criminal activity is suspected which affects the Organization's personnel or property and there is reason to believe that such action has been perpetrated by a staff member, the resident representative or officer-in-charge should endeavour to establish the facts by collecting signed statements from the concerned staff members. If on the basis of such statements it is established beyond a reasonable doubt that a staff member is responsible for the action, the resident representative should report the facts to Headquarters with appropriate recommendations for disciplinary action in accordance with standing instructions. The matter will generally be dealt with internally.
3. In cases where the resident representative is unable to establish beyond a reasonable doubt responsibility for the suspected criminal activity mentioned above (e.g. in the absence of a signed confession or incriminating statements), the resident representative should report the facts to Headquarters with copies of information obtained and the resident representative's recommendations regarding disciplinary action or proposals for reporting facts to local authorities for their further action. The resident representative will be informed on how to proceed on the matter. Except in cases involving the threat or commission of a violent crime against a staff member, approval of Headquarters must be obtained before local authorities are requested to intervene.
4. When local authorities request permission from UNDP to interrogate staff members in connection with an investigation even if it relates to outside matters, such a request may be agreed upon by the resident representative only if the interrogation is held in the presence of a representative of the UNDP country office who is an internationally - recruited staff member. (This procedure is necessary in order to ensure that the immunity for official acts is not forfeited.) While such interrogations should, whenever possible, be preceded by prior headquarters authorization, the details of the interrogation should in any case be reported to Headquarters immediately following such action.
5. Any report or communication in cases of the above nature should be addressed to OHR and copied to BOM at Headquarters.

21108 OMBUDSMAN PANEL

1. In cases involving a disagreement with an administrative decision, staff members have the option either to refer the matter to the Ombudsman Panel within one month of the contested decision or to write to the Administrator as a first step in initiating the procedure before the Joint Appeals Board as indicated in Human Resources Manual, Volume I, section 10905. Timely reference of the matter to the Ombudsman Panel suspends the two-month time limit specified in the Staff Rules for filing a formal request for review by the Administrator. The time limits begin to run from the date the Ombudsman Panel has completed action on the case and notified the staff member accordingly (see section 10905 of the Human Resources Manual, Volume I).

2. The Ombudsman Panel has been established to provide assistance to all staff members holding UNDP letters of appointment and to United Nations volunteers who require clarification of personnel policies and practices, more detailed explanations and interpretations of the Staff Regulations and Rules, and the expediting of actions affecting their service with UNDP.

3. The terms of reference of the Ombudsman Panel are:

- In general, to act as Ombudsman in the joint interest of the individual staff member and the Administration on matters arising from the staff member's employment with UNDP; and
- To assist and advise staff of their rights and privileges as staff members in their relations with the Administration and to ensure that all remedies are resorted to in the solution of their problems.

4. The types of questions to be considered by the Ombudsman Panel include:

- Interpretation of rules and regulations as applied to status, welfare and conditions; and
- Expediting action where delays occur.

5. The Ombudsman Panel should have access to the appropriate officers and will be informed of the facts in each case so that cases are effectively considered and expeditiously handled.

6. Normal requests for clarification of policies, practices or procedures on personnel matters, interpretation of Staff Regulations and Rules and personnel directives are handled through official correspondence and the normal channels of communication. The immediate supervisors concerned and the relevant staff of the Office of Human Resources are responsible for providing advice, guidance and assistance in the application of personnel policies and procedures to specific situations and for initiating the necessary actions, and they continue to handle these matters accordingly.

7. The advice and assistance of the Ombudsman Panel generally relate to any matters which are of a personal and confidential nature, or where the staff member feels the need for impartial advice and guidance, or when the staff member has exhausted the normal channels and is not satisfied with the actions taken or information given. Requests for assistance of the Panel may be broadly divided into two categories:

- A formal request which should be made only after all official channels for resolution have been exhausted; and

- An informal request whenever advice or guidance is needed on procedures required to obtain action or redress through official channels.

8. The distinction between the Ombudsman Panel and Staff Council functions is that the Panel deals with individual cases and the Council represents staff in terms of policy issues which may arise, and broader staff concerns. See section 21200 on functions of the Staff Council.

9. In seeking the Ombudsman Panel's advice or counsel, staff members should write to:

Coordinator
Ombudsman Panel
UNDP, New York, N.Y. 10017

21109 APPEALS MACHINERY

1.0 The Joint Appeals Board

1. The Joint Appeals Board constitutes the administrative machinery, with staff participation, which is available to the United Nations Secretary-General to advise him/her on appeals by staff members against administrative decisions or against disciplinary measures.

2. A staff member may appeal against an administrative decision, alleging non-observance of his/her terms of appointment, including the Staff Regulations and Staff Rules.

3. The appeals procedure is set out in chapter XI of the Staff Rules. The first step in bringing an appeal against an administrative decision is for the staff member to address a letter to the Administrator requesting that the decision be reviewed. Such letter must be sent within two months from the time the staff member received notification in writing of the decision that is being contested, or within one month of notification of a disciplinary action. If the staff member is not satisfied with the answer received from the Administrator or if no answer is received within two months of sending the letter, he/she may submit an appeal to the Secretary of the Joint Appeals Board. The time limit specified above will be suspended if the case has been referred in a timely manner to the Ombudsman Panel. Such time limits will begin to run upon notification to the staff member by the Ombudsman of completion of action (see Human Resources Manual, Volume I, section 10903).

4. The appellant may be represented by a member of the Panel of Counsel or by any other staff member of the United Nations/UNDP retired or serving in New York, but not by outside counsel.

5. The Board gives its advice to the Secretary-General in the form of a report containing recommendations as to the action to be taken on the contested decision. The Secretary-General makes the final decision based on the Board's report. The Secretary-General's decision is then communicated to the staff member with a copy of the Board's report. The appellant may make an application to the United Nations Administrative Tribunal against this decision. At the request of the staff member the Secretary of the Joint Appeals Board will communicate a copy of the report of the Panel to the staff member if the Secretary-General has not made a decision on the case within a period of one month after the date on which the report was submitted to the Secretary-General.

2.0 The United Nations Administrative Tribunal

1. The United Nations Administrative Tribunal is composed of seven persons, not staff members, who are appointed by the United Nations General Assembly. The Tribunal hears and passes judgement upon application alleging non-observance of contracts of employment of staff members or of their terms of appointment.

2. The Tribunal cannot consider an application unless the dispute has been previously submitted to and reviewed by the Joint Appeals Board, except where the Administrator and the applicant have agreed to bring the case directly to the Tribunal, or where an appeal is against a decision of the United Nations Joint Staff Pension Board.

3. An application to the Tribunal must be submitted to its Executive Secretary within 90 days (one year if the application is by the heirs or trustees of a staff member) of the communication to the staff member of a negative decision of the Secretary-General following a Joint Appeals Board consideration.

4. The Tribunal's decisions are binding on the parties.

3.0 Communications relating to appeals

Communications relating to appeals between the staff member and the Administrator, the Secretary-General, the Joint Appeals Board Secretariat, Counsel representing the staff member and the Administrative Tribunal Secretariat may be delivered, in sealed envelopes, for transmission by pouch.

21110 PANEL OF COUNSEL

1. To facilitate the representation of staff members by other qualified staff in recourse, appeals or disciplinary proceedings, assistance may be sought from the Panel of Counsel in disciplinary and appeals cases in New York and Geneva. Members of the Panel are staff members, generally with legal training and/or extensive experience in international administration, who have agreed to have their names included in the Panel of Counsel.

2. Appellants are not restricted to the Panel; they may choose any member of the UN/UNDP staff serving or retired in New York or Geneva respectively. Staff members at country offices may enlist the assistance of any staff member serving at the Office in preparing their case and/or avail themselves of the Panel of Counsel in New York or any serving or retired UN/UNDP staff member in New York.