



ADMINISTRATIVE INSTRUCTION

To: Members of the staff

From: The Assistant Secretary-General
for Personnel Services

Subject: PROCEDURE TO BE FOLLOWED IN CASES OF TERMINATION OF
PERMANENT APPOINTMENT FOR UNSATISFACTORY SERVICES

1. The purpose of this instruction is to set out the procedure to be followed in cases of proposed termination of the permanent appointment of a staff member for unsatisfactory service under staff regulation 9.1 (a) other than in the course of the five-year review and to establish the composition of the bodies called upon to advise the Secretary-General in such cases.
2. In order to ensure that the review of a proposal to terminate a permanent appointment on the grounds of unsatisfactory service is conducted in a way that will satisfy the requirements of due process, the proposal shall be referred to a joint review body for advice before the Secretary-General takes a decision on it.
3. The joint review body shall consist of the Vice-Chairman and four alternates of the Appointment and Promotion Board, the Appointment and Promotion Committee or the appropriate Working Group of the Appointment and Promotion Panel, according to the category and level of the staff member concerned. Two of the four members of the joint review body shall be from among the nominees of the Staff Council on the appropriate appointment and promotion body. The alternates of the appropriate appointment and promotion body shall be called upon to serve on the review body in alphabetical order.
4. The proposal for termination, together with supporting evidence, shall be submitted in writing to the joint review body prior to its consideration of the case. A copy of this material shall, at the same time, be provided to the staff member concerned.
5. The joint review body shall base its deliberations on the proposal placed before it and shall advise the Secretary-General whether or not, in its opinion, there is sufficient ground for the termination of the permanent appointment for unsatisfactory services under staff regulation 9.1 (a).

6. The joint review body may request any member of the Secretariat to provide information, either orally or in writing, relevant to its consideration of the case.
7. The staff member concerned shall be afforded a reasonable opportunity to comment on the proposal for termination or on any matter relating to the case and to request that information which he considers to be relevant to the case be obtained from specified staff members. The joint review body shall hear the staff member in person, whenever it considers this feasible.
8. The joint review body shall act on the proposed termination with the maximum dispatch consistent with a fair review of the case.
9. The joint review body shall adopt a report that includes a statement of its considerations, as well as its conclusions and recommendations. If there is no unanimity, the conclusions and recommendations shall be adopted by a majority vote, and the views of the dissenting member or members of the joint review body shall be included in the report.
10. The report of the joint review body shall be transmitted to the Secretary-General through the Appointment and Promotion Board. In transmitting the report to the Secretary-General, the Board, without reopening the case or conducting a new review, may indicate its concurrence in the recommendation of the joint review body or otherwise comment on it. If the Board concludes that the joint review body has committed an error in procedure, it shall remand the case to the said body.
11. In cases where the decision of the Secretary-General is to terminate the permanent appointment, the staff member shall be given in the notice of termination a statement of the reasons for the Secretary-General's decision and the considerations, conclusions and recommendations of the joint review body.
12. The necessary amendments to the Staff Rules will be issued in due course.
