



Administrative Instruction

Ref. ICC/AI/2018/002

Date: 22 November 2018

CLASSIFICATION AND RECLASSIFICATION OF POSTS

The Registrar, with the consent of the President and the Prosecutor, pursuant to Sections 3.2 and 3.3 of Presidential Directive ICC/PRES/D/G/2003/001 (“Procedures for the promulgation of administrative issuances”) and for the purpose of implementing Staff Regulation 2.1 and Staff Rule 102.1 by setting out the policies and procedures for the classification and reclassification of posts, hereby promulgates the following:

Section 1

General Provisions

- 1.1 The present Administrative Instruction shall be applicable to all posts filled against fixed-term appointments.
- 1.2 Classification or reclassification of posts refers to the process, undertaken by the Registrar or the Prosecutor as appropriate, of assigning or reassigning a level to a post according to the nature of the duties and responsibilities it requires, in conformity with the United Nations common system standards and with principles laid down by the Assembly of States Parties (“ASP”).¹
- 1.3 All posts, regardless of their duration or source of funding, shall be classified.

¹ See ICC-ASP/13/20 Vol II. Part B.2, p. 255, paras. 170-171; ICC-ASP/14/20 Vol II. Part B.1, p. 218, paras 90-94; ICC-ASP/15/20 Vol II Part B.2, p. 346, Annex V, para. 9; ICC-ASP/14/7, paras. 62-75; and ICC-ASP/1/Res.10.

- 1.4 Reclassification shall not be used as a promotion or performance management tool, or as a consequence of increased workload, or for undertaking the functions of an existing vacant post unless the post has been abolished or downgraded.
- 1.5 The reclassification of a post shall not negatively affect the existing contractual status, salary or other entitlement of the staff member encumbering the post.
- 1.6 The ASP, as recommended by the Committee on Budget and Finance (“CBF”), is the approval authority for reclassification of posts in the following cases: (i) at the Professional and higher categories; (ii) from the General Service Other Level (GS-OL) category to the General Service Principal Level (GS-PL) category, or to the Professional category; and (iii) from the General Service Principal Level (GS-PL) category to the Professional category.
- 1.7 The Heads of Organ, Directors of Division, Heads/Chiefs of Section, or equivalent, are accountable for the proper allocation of work according to approved post grades, and for managing the range of functions within their purview with the resources allocated to existing staffing levels. They shall not assign higher level functions to staff members under their supervision for a period of three calendar months or longer, unless authorized to do so, by the Registrar or the Prosecutor, as appropriate, and in accordance with the Court’s legal framework on special post allowance.
- 1.8 Pursuant to Staff Rule 103.11(a), staff members may be required to assume temporarily, as a normal part of their regular duties and without extra compensation, the duties and responsibilities of higher level posts. This temporary period shall not exceed three calendar months.

Section 2

Standards

- 2.1 Posts shall be classified or reclassified in accordance with the applicable classification standards established by the International Civil Service Commission (“ICSC”) for posts in the General Service category and in the Professional and higher categories.
- 2.2 The Human Resources Section shall provide advice on classification, reclassification, work survey and workforce planning to Heads of Organ, Directors of Division,

Heads/Chiefs of Section, or hiring managers, and, when necessary, to affected staff members, upon request.

- 2.3 Posts shall be reclassified only in the cases outlined in Sections 4.2 and 4.3 of the present Administrative Instruction. Subjective criteria related to the experience, qualification, seniority or performance of the incumbent shall have no bearing on reclassification exercises.

Section 3
Classification Advisory Board

- 3.1. A Classification Advisory Board (“Classification Board”) is hereby established. The Classification Board’s mandate is to provide advice to the Registrar or the Prosecutor, as appropriate, on requests for classification or reclassification. The Classification Board shall be composed of the following members or their alternates:

- (a) Chief, Human Resources Section, Registry;
- (b) Chief, Budget Section, Registry;
- (c) Senior Manager, Services Section, Office of the Prosecutor;
- (d) HR Liaison and Coordination Officer, Office of the Prosecutor;
- (e) Chef de Cabinet, Presidency;
- (f) A member from the Presidency or Chambers, as nominated by the President;
and
- (g) President of the Staff Union Council.

- 3.2. Each member of the Classification Board, or the President, Registrar or Prosecutor, as appropriate, in the event that the member is unavailable, shall designate an alternate, normally from within the Division or Section of the member. The Registrar or Prosecutor, as appropriate, may approve the designation of alternates from outside

the Division or Section of the member of the Classification Board, provided that there is an adequate justification.

- 3.3. The Chief of the Human Resources Section shall serve as the convenor of the Classification Board, and, with the Registrar's approval, designate two staff members of the Human Resources Section to serve as Secretary and Alternate Secretary to the Classification Board. The Secretary and Alternate Secretary shall serve in a non-voting capacity.
- 3.4. At the request of the Classification Board, and as appropriate, meetings may be attended by senior managers, classification experts and other individuals of relevant interest, for the purpose of assisting the Classification Board in exercising its mandated functions.
- 3.5. The incumbent(s) of the post(s) affected by reclassification may present his or her views on the request submitted to the Classification Board.
- 3.6. The Classification Board may request or consider any information it considers relevant in order to provide advice on a request.
- 3.7. The members of the Classification Board and their alternates, as well as the Secretary and Alternate Secretary, shall receive training on the application of the standards set out in Section 2 above.
- 3.8. Standard operating procedures of the Classification Board shall be established, to be approved by the President, the Prosecutor and the Registrar.

Section 4

Procedure for Requests to Classify or Reclassify a Post

- 4.1. When a post is newly established, or has not been previously classified, a request for its classification may be made to the Classification Board by a Head of Organ at the request of a Director of Division and/or a Head/Chief of Section, as appropriate.
- 4.2. A request for reclassification of a post may be made to the Classification Board by a Head of Organ, at the request of a Director of Division and/or a Head/Chief of Section,

as appropriate, and any incumbent(s) of the affected post(s) shall be promptly notified:

- (a) When the duties and responsibilities of a post have changed or will change substantially as a result of a restructuring within a Division, Section or Unit and/or a decision of the ASP;
- (b) When the duties and responsibilities of a post have substantially changed or it is foreseen that they will substantially change since the previous classification was performed, to the extent that a reclassification upwards or downwards could be appropriate; or
- (c) When required by a classification review or audit of a post or related posts, as determined by the Human Resources Section.

4.3 Incumbents who consider that the duties and responsibilities of their posts have been substantially affected by a restructuring within a Division, Section or Unit and/or a decision of the ASP may request, through their Director of Division and/or Head/Chief of Section, as appropriate, that the Head of Organ consider the matter for appropriate action under section 4.2 above.

4.4 Requests for classification or reclassification of posts shall be made before the issuance of a vacancy announcement and shall include:

- (a) A complete and up-to-date job description or work survey for the post in question, using standardized job descriptions, where applicable;
- (b) An up-to-date organizational chart showing the placement of the post in question and of other posts that may be affected by the reclassification requested; and
- (c) A valid and available post number confirming the existence of a budgeted post accompanied, where relevant, by a justification explaining the reason for submitting the request for a review and the nature of the changes, in the light of the provisions set out in Section 1.

- 4.5 The incumbent(s) of the affected post(s) shall be promptly informed of the decision of the Registrar or the Prosecutor, as appropriate, to submit or not the request for reclassification to the Secretary of the Classification Board.
- 4.6 Requests for classification or reclassification shall be submitted to the Secretary of the Classification Board, who shall arrange for a person who has been appropriately trained in accordance with Section 3.7 above to provide an initial indication of the classification level based on the information included in the request and in accordance with the standards mentioned in Section 2. The request and the initial indication of the classification level shall then be transmitted to the Classification Board for consideration.
- 4.7 In providing its advice to the Registrar or the Prosecutor, as appropriate, on requests for classification or reclassification, the Classification Board shall consider:
- (a) The reasons for the request for classification or reclassification in the light of the provisions set out in Section 1 above;
 - (b) The budgetary impact of the request;
 - (c) Whether an increase of responsibilities of one post may have led to a reduction of responsibilities of other posts;
 - (d) The relative merits of alternatives for distributing work and arranging work processes; and
 - (e) Any other relevant information.
- 4.8 The Classification Board shall consider the request and render its advice in writing to the Registrar or the Prosecutor, as appropriate. Such advice shall include its recommendation as to the level of the post based on the request. The advice of the Classification Board shall be adopted, whenever possible, by consensus. If such consensus is not possible, both the majority's advice and the dissenting view(s) shall be submitted to the Registrar or Prosecutor, as appropriate. The incumbent(s) of the affected post(s) shall promptly receive a copy of the advice of the Classification Board.

- 4.9 If the Registrar or the Prosecutor, as appropriate, endorses the request, or any of the alternatives proposed by the Classification Board, a classification analysis of the affected post(s) shall be conducted independently by an external classification expert on the basis of the applicable classification standards established by the ICSC as set out in Section 2 above. The incumbent(s) of the affected post(s) shall be promptly notified of the decision by the Registrar or Prosecutor, as appropriate, together with a copy of the classification analysis.
- 4.10 The decision to put forth classification(s) or reclassification(s) of a post shall be taken by the Registrar or the Prosecutor, as appropriate. The incumbent(s) of the affected post(s) shall be promptly informed of this decision. The approval authority rests with the ASP, upon recommendation of the CBF. In order to make its recommendation, the CBF shall be provided by the Court, at its first session of the year, with the Classification Board's advice and related justification.
- 4.11 The Registrar or Prosecutor, as appropriate, shall decide to classify or reclassify a post only with the prior approval of the ASP. The Human Resources Section shall promptly notify such decision to the requesting Division, Section or Unit, and to the incumbent(s) of the affected post(s). This notification shall include the process followed, the final outcome and reasons for which the decision was taken.
- 4.12 Upon request, the incumbent of the affected post shall promptly have access to all evidence/information on which the authority bases, or intends to base, the decision(s) affecting him or her.

Section 5

Implementation of Reclassification Decisions

- 5.1. The Heads of Organ, Directors of Division, Heads/Chiefs of Section or equivalent shall be accountable for any non-temporary assignment of staff members to perform functions that would result in a higher classification level. Implementation before budgetary approval could amount to improper management and administration of financial resources and non-observance of the Financial Regulations and Rules of the Court.

Upward reclassification of posts and reclassification of posts from the General Service category to the Professional category

- 5.2. The upward reclassification of a post and the reclassification of a post from the General Service category to the Professional category shall lead to the advertisement of the post and the organization of a competitive recruitment. The incumbent of such post shall be promptly informed of any decision to advertise the post before any such advertising.
- 5.3. The Court shall inform the incumbent about the decision with respect to the implementation of the upward reclassification of his or her post or the reclassification of his or her post from the General Service category to the Professional category, and of the possibility of applying for the new post. The incumbent of the post shall have the opportunity to apply for the new post in accordance with the Court's recruitment procedures, with the fullest regard being paid to the requisite qualifications and experience of staff already in service in accordance with Staff Regulation 4.4 and Staff Rule 104.18.
- 5.4. Should the incumbent not be selected to the reclassified post or decide not to apply, the Court shall undertake all reasonable efforts to reassign the staff member to an alternative post, at the Court, commensurate with his or her grade, qualifications and experience. Nevertheless, incumbents of posts in the General Service category who are locally recruited may be reassigned only within the same duty station. The decision to select a candidate other than the incumbent of the reclassified post, whether or not he or she decided to apply for the reclassified post, shall be implemented only when he or she has been reassigned to an alternative post.
- 5.5. Upon the decision of the Registrar or the Prosecutor, as appropriate, to reclassify a post pursuant to Section 4.11, the incumbent of an upward reclassified post or a post which has been reclassified from the General Service category to the Professional category may be requested to carry out the duties and responsibilities of the post temporarily during the recruitment process. During this period, the incumbent may be eligible for a special post allowance in accordance with Staff Rule 103.11.

Downward reclassifications of posts and reclassification of posts from the Professional category to the General Service category

- 5.6. The incumbent of the reclassified post downward shall retain his or her personal grade and salary level. The Court shall undertake all reasonable efforts to reassign the staff member to an alternative post, at the Court, commensurate with his or her grade, qualifications and experience. Nevertheless, incumbents of posts in the General Service category who are locally recruited may be reassigned only within the same duty station. A decision to recruit a new candidate for the reclassified post shall be implemented only when the incumbent has been reassigned to an alternative post.

Reassignment of Incumbents Affected by Reclassified Posts

- 5.7. The reassignment of staff members, under the terms set out in Sections 5.4 and 5.6 above, shall not be subject to a competitive recruitment exercise.

Reassignment Board

- 5.8. A Reassignment Board is hereby established. The mandate of the Reassignment Board is to advise the Registrar or the Prosecutor, as appropriate, on possible reassignments of staff members pursuant to Section 5 of the present Administrative Instruction.

- 5.9. The Reassignment Board shall be composed of the following members:

- (a) Chief, Human Resources Section, Registry;
- (b) At minimum, one representative of each organ of the Court, to be nominated, on a case-by-case basis, by the President, the Prosecutor and the Registrar. The nomination shall take into account substantive subject matter expertise in the relevant functional area and the nominated staff member should be, at least, at the same functional level as the staff member who will be reassigned;
- (c) One member from the Staff Union Council to be nominated by the President of the Staff Union; and
- (d) Where potential reassignment to a position in the Offices of Public Counsel, the Independent Oversight Mechanism, the Office of Internal Audit, the Secretariat

of the Trust Fund for Victims or the Secretariat of the Assembly of State Parties is under consideration, one representative of such Office.

- 5.10. The Chief of Human Resources Section shall serve as the convenor of the Reassignment Board, and, with the Registrar's approval, designate two staff members of the Human Resources Section to serve as Secretary and Alternate Secretary to the Reassignment Board. The Chief of the Human Resources Section, the Secretary and the Alternate Secretary shall serve in a non-voting capacity.
- 5.11. The staff member subject to reassignment may present his or her views on any possible reassignments to the Reassignment Board and any preferences will be taken into account.
- 5.12. The Reassignment Board shall render its advice in writing to the Registrar or the Prosecutor, as appropriate. Its advice shall be adopted, whenever possible, by consensus. If such consensus is not possible, both the majority's advice and the dissenting view(s) shall be submitted to the Registrar or Prosecutor, as appropriate. The incumbent(s) of the affected post(s) shall be promptly informed of the decision(s) of the Registrar or the Prosecutor, as appropriate, together with a copy of the advice of the Reassignment Board and the dissenting view(s), if any.
- 5.13. Standard operating procedures of the Reassignment Board shall be established, to be approved by the President, the Prosecutor and the Registrar.

Effective date

- 5.14. Reclassification decisions shall become effective as of 1 January of the year following the budgetary approval by the ASP in accordance with Section 1.6. Reclassifications of posts within the General Service category that do not require budgetary approval shall become effective on the first day of the month following approval by the Registrar or the Prosecutor, as appropriate.

Section 6

Appeals

- 6.1 Pursuant to Chapter XI of the Staff Rules, a staff member encumbering a post at the time of its classification or reclassification has the right to appeal against any administrative decision taken in accordance with the present Administrative Instruction.

Section 7

Review of the Present Administrative Instruction

- 7.1 The present Administrative Instruction shall be reviewed three years after its entry into force.

Section 8

Final Provision

- 8.1 The present Administrative Instruction shall enter into force as of the date of promulgation.
- 8.2 As of the date of promulgation, any ongoing classification or reclassification processes shall apply the present Administrative Instruction to all remaining steps of the decision-making and implementation process going forward.



Peter Lewis
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