



**Administrative Instruction
Ref: ICC/AI/2011/ 004**

Date: 25 July 2011

RECORDING OF ATTENDANCE AND LEAVE

The Registrar, for the purpose of establishing a system for recording attendance and leave, pursuant to section 3.2 of Presidential Directive ICC/PRES/D/G/2003/001, promulgates the following:

Section 1

General

1.1 The provisions of this Administrative Instruction shall apply to all staff members on fixed-term appointments.

Section 2

Roles and responsibilities

2.1 The immediate supervisor shall designate a time administrator who, under the supervisor's authority, shall:

- a) Assist in verifying attendance and compliance with working hours of staff members within the section or unit and inform the supervisor of any unexplained absences;
- b) Record absences, overtime and night differential in the Court's Enterprise Resource Planning system (SAP);
- c) Prepare reports on attendance and overtime for certification by the supervisor;
- d) Ensure that any absence of a staff member on certified sick leave, emergency leave, annual leave, compensatory time off and home leave is supported by the appropriate report form, signed by the

staff member and his or her immediate supervisor, or by the appropriate completed work procedure in SAP, and that periods of certified sick leave have been confirmed by the Court's Medical Officer;

- e) Coordinate with the Human Resources Section to ensure proper attendance and leave recording;
- f) Keep all relevant records.

2.2 A staff member shall:

- a) Inform his or her immediate supervisor and/or time administrator of any absence;
- b) Obtain written authorization from his or her supervisor, or his or her designee, by means of a leave request form before taking annual leave. If no such authorization has been given in advance, the absence may be considered unauthorized absence in accordance with Staff Rule 105.5;
- c) In the event of change in the leave period requested, submit the duly completed leave form to the time administrator, or complete the appropriate work procedure in SAP, on the day of return to work;
- d) Comply with the requirements imposed by the applicable rules and procedures on leave and submit the appropriate medical certificates or medical reports to support a request for certified sick leave in accordance with Administrative Instruction ICC/AI/2011/005 on Certified Sick Leave and Emergency Leave.

2.3 The immediate supervisor, or his or her designee, shall:

- a) Promptly certify reports on attendance, night differential, compensatory time off and overtime work, and sign individual annual leave, certified sick leave and emergency leave report forms, or complete the appropriate work procedure in SAP;
- b) Ensure that all reports and any supporting documentation are adequately maintained;
- c) Promptly inform the Human Resources Section of any unexplained absence or extended sick leave on the part of staff members under his or her supervision.

2.4 The Human Resources Section shall:

- a) Ensure that the requisite mechanisms are in place throughout the Court for effective internal control of attendance and recording of night differential, compensatory time off and overtime, travel time and administration of leave entitlements;
- b) Coordinate Court-wide activities on attendance and leave issues;
- c) Provide support to time administrators, supervisors and staff members on matters of attendance and leave;

Section 3

Computation

3.1 a) For the purposes of the Administrative Instruction, and with the exception of calculating compensatory time off, absence from work of two (2) hours or longer and up to four (4) hours shall be counted as one half (1/2) day; absence of more than four hours shall be counted as one (1) full day.

b) Authorised absence of less than two hours which is made up by the staff member at a time mutually agreeable to the staff member and the supervisor need not be recorded.

3.2 Absence on annual leave, certified sick leave and emergency leave shall be calculated in units of days and half days. Compensatory time off shall be calculated in units of quarters of an hour.

Annual leave

3.3 Pursuant to staff rule 105.2, staff members on fixed-term appointments shall accrue annual leave at the rate of two and a half working days for each full calendar month of service. Annual leave may be accumulated, provided that not more than 60 days of such leave are carried forward beyond 1 January of any year. Any leave in excess of 60 days will be automatically forfeited and the balance will be reset as at 1 January.

3.4 When service commences after the first working day of a month, including official holidays of the Court, staff members shall be credited for the pro-rata portion of the full entitlement that the number of completed working days bears to the average number of working days per month, i.e. 21.75, rounded off to the nearest half day. The following formula shall apply:

$$A = (B/21.75) \times 2.5$$

Where:

A is the annual leave accrual, to be rounded off to the nearest half day; and

B is the total number of actual completed working days during the month.

3.5 The same calculation for accrual of annual leave under section 3.4 applies when staff members separate from service before the last working day of a calendar month.

3.6 Staff members on part-time employment accrue annual leave pro rata, as set out in section 10 of Administrative Instruction ICC/AI/2008/006 on Part-time Employment of Staff Members.

Sick leave

3.7 Sick leave shall be computed and recorded on a calendar-month basis to allow computation under section 3.9.

3.8 Staff members appointed for less than one year shall be credited two days of sick leave per month at the beginning of the appointment on the basis of the length of their period of appointment. Should separation occur before the end of expiration of the appointment, sick leave credits shall be recalculated on the basis of actual period of service.

3.9. The following shall apply in all other cases:

a) The consecutive periods referred to in staff rules 106.4 (b)(ii) and 106.4 (b)(iii) shall be counted on the basis of calendar months and shall end on the last day of each successive twelfth (12) or forty-eighth (48) month, as appropriate. Such periods shall be counted as running periods covering the preceding eleven (11) months or forty-seven (47) months, respectively, plus the month in which further sick leave is calculated and granted;

b) If any of the consecutive periods referred to in staff rules 106.4 (b)(ii) and 106.4 (b)(iii) is interrupted by full periods of more than twenty (20) consecutive working days of special leave with partial pay or without pay, it shall be extended by the same period;

c) A staff member's sick leave entitlement shall be exhausted when the total number of working days on sick leave in any of the consecutive periods referred to in staff rules 106.4 (b)(ii) and 106.4 (b)(iii) reaches the maximum entitlement, either on full pay or on half pay.

d) The staff member's entitlement, either on full pay or on half pay, will arise again when, in a successive period of twelve (12) or forty-eight (48) calendar months, as appropriate, the amount of sick leave granted falls below the staff member's maximum entitlement. With the passing of each month, it is possible for the entitlement to sick leave on full pay or on half pay to accrue again as the time bracket of the entitlement (twelve(12) or forty-eight (48) months) moves ahead.

3.10 In case of extension of the appointment, the sick leave entitlements will be recalculated as of the beginning of the initial appointment on the basis of the duration of the entire appointment period.

Travel time on home leave or family visit

3.11 For travel on both the outward and the return journey on home leave or family visit, staff members shall be granted a fixed amount of travel time not chargeable to annual leave, subject to guidelines established by the Registrar, in consultation with the Prosecutor.

Section 4

Special provisions

4.1 When it is decided by the Registrar, in consultation with the Prosecutor, that severe weather or other emergency conditions warrant a release of most or all staff, the resulting absence from work shall not be charged to annual leave or other leave. Staff members who were absent from work with authorization shall not receive additional leave time as a result of the release of staff who would otherwise be present at work.

4.2 A staff member serving jury duty in his or her home country shall be granted special leave with pay in units of full days or half days as certified by the court. Outside court appearance on behalf of the International Criminal Court shall be recorded as absence on official business. Court appearance as a party in the staff member's personal capacity and not on behalf of the International Criminal Court shall be charged to annual leave to the extent possible and thereafter to special leave without pay. For court appearance as a witness in the staff member's personal capacity, the Registrar or Prosecutor, as appropriate, upon the recommendation of the Human Resources Section shall decide whether the absence is to be charged to annual leave or special leave without pay, or special leave with pay, depending on the circumstances of the case.

Section 5

Internal transfer and separation

5.1 Upon transfer of a staff member from one organ, division or section to another with a different allocated time administrator, the releasing organ, division or section shall ensure that all relevant attendance records are transferred to the receiving office and the former supervisor of the staff member shall certify the annual leave and sick leave balances as of the effective date of transfer.

5.2 Upon separation from service of a staff member, the releasing organ, division or section shall ensure that the attendance records of the staff member are complete, and that the Court's SAP, has been fully updated so as to allow the necessary adjustments to be made in the final pay of the former staff member. The updated leave records shall be transferred to the Human Resources Section to be archived with the Official Status file of the former staff member.

Section 6

Final provisions

6.1 The present administrative instruction shall enter into force on 25 July 2011.



Silvana Arbia
Registrar