



Administrative Instruction – Instruction administrative

Ref. ICC/AI/2016/001

Date: 28 January 2016

SHORT-TERM APPOINTMENTS

The Registrar, with the agreement of the Presidency and the Prosecutor, pursuant to Presidential Directive ICC/PRES/G/2003/001, and for the purpose of implementing Staff Regulation 4.5, promulgates the following:

Section 1

Purpose

- 1.1 This administrative instruction establishes the conditions of service for staff members at all levels employed under a short-term appointment. It also sets out the terms and conditions pertaining to the use and administration of short-term appointments.

Section 2

Scope of Application

- 2.1 This administrative instruction applies to staff members employed under a short-term appointment.
- 2.2 In the absence of a separate framework, this administrative instruction may govern the terms and conditions for staff members appointed for the provision of language services under short-term appointments.

- 2.3 The terms and conditions of staff members under short-term appointments are governed by this administrative instruction and not by the Staff Rules, unless specified otherwise in this administrative instruction. Staff members under short-term appointments are bound by the Staff Regulations and all related administrative issuances, guidelines and policies issued under them or under the Staff Rules, as applicable, including but not limited to the Code of Conduct for Staff Members.
- 2.4 In all situations not foreseen in this administrative instruction, the correspondent provision in the Staff Rule shall apply *mutatis mutandis*, with the necessary adjustments, insofar as it is not contrary to Annex I and compatible with the nature of the short-term appointment.

Section 3

Use and duration of short-term appointments

- 3.1 A short-term appointment may be issued for a single or cumulative maximum period of one year to meet seasonal or peak workloads and specific short-term requirements.
- 3.2 A short-term appointment may be issued by the Registrar or Prosecutor, as appropriate, following a request from the hiring manager, for specific short-term requirements that are expected to last up to one year at the time of the staff member's appointment, such as:
- (a) To respond to an unexpected and/or short-term work requirement;
 - (b) To meet a seasonal or peak work requirement of limited duration that cannot be met with the existing capacity of staff members;
 - (c) To temporarily fill a position, e.g. when the incumbent is on special leave, sick leave, maternity, other parent leave;
 - (d) To temporarily fill a vacant position pending the finalization of the regular recruitment process of the Court; or
 - (e) To work on a special project with a finite mandate.
- 3.3 A short-term appointment shall not be used to fill needs that are reasonably expected to last for more than one year.
- 3.4 A short-term appointment shall rely on an existing job profile of the Court or another organisation following the UN common system. Exceptionally a new job profile may be created when there is no existing job profile for the proposed short-term requirements.

Extension of a short-term appointment and successive short-term appointments within a period of one year

- 3.5 A short term appointment does not carry any expectancy, legal or otherwise, of renewal and shall not be converted to any other type of appointment.
- 3.6 Subsequent to the initial short-term appointment, and where the staff member has gone through a competitive recruitment process, extension(s) of that appointment may be granted, or new and successive short-term appointments for a position with the same or similar duties and responsibilities may be granted for the same or different division, section or unit any number of times, for any duration, provided that the total duration of service under the short term appointment(s), does not exceed the maximum period of one year. However, where the staff member has not gone through a competitive recruitment process, as per section 4.2, any extension to that short-term appointment may only be granted under the terms set out in section 6.2.
- 3.7 The period of a year shall start on the first day of service under the initial short-term appointment.
- 3.8 Upon reaching the limit of service under one or several successive short-term appointments as set out in the present section, or, exceptionally, two years as permitted under section 13 below, the staff member shall be required to separate from the Court, or if assigned to the short-term appointment pursuant to section 4.10, he or she shall return to his or her position, where applicable.

Section 4

Vacancy announcement, selection and appointment process

Vacancy announcement

- 4.1 Any short-term appointment regardless its duration shall require the issuance of a short-term vacancy announcement and a competitive recruitment process.
- 4.2 The Registrar or Prosecutor, as appropriate, may exceptionally approve the issuance of an initial short-term appointment for unforeseen circumstances without requiring a short-term vacancy announcement and a related competitive recruitment process. Any such exception shall only be granted where it is deemed to be in the interest of the Court and only once for a maximum duration of three months, provided that the hiring manager can demonstrate that the unforeseen circumstances were beyond his or her control.

- 4.3 The short-term vacancy announcement shall be issued by the Human Resources Section upon a request from the hiring manager, which will include a description of the qualifications, skills and competencies required and reflect the functions of the post. Each short-term vacancy announcement shall indicate the date of posting and specify a deadline by which all applications must be received.
- 4.4 Short-term vacancy announcements shall be posted on the Court's e-Recruitment for a minimum of one week.

Evaluation, selection and appointment or assignment

- 4.5 The Court's recruitment framework governing the selection and appointment of fixed-term staff members, including but not limited to the *Administrative Instruction on the Selection Review Board* (ICC/AI/2015/001), is not applicable for the evaluation and selection process of a staff member under a short-term appointment.
- 4.6 With the assistance of the Human Resources Section, the hiring manager, or his or her delegated official will assess the candidates' applications in order to determine whether they are eligible, and whether they meet the qualifications of the short-term position as set out in the vacancy announcement. Where appropriate, the assessment of the candidates' applications will, to the extent possible, give the fullest regard to equitable geographical and gender representation. Such assessment of the hiring manager will be undertaken through a comparative analysis of the applications. The fullest regard shall be paid to the qualifications and experience of staff members already in the service of the Court. The assessment may also include, as determined by the hiring manager, pre-screening questions, desk review of the applications, a competency-based interview and/or other appropriate evaluation mechanisms, such as written tests and/or work sample tests. Following a competitive recruitment process, the Registrar or Prosecutor, or his or her delegated official, shall make the decision on selection.
- 4.7 When a candidate has been selected, he or she shall be offered the respective appointment, or temporary assignment, as appropriate. For external candidates, the respective appointment will be subject to the completion of the Court's medical clearance and security clearance and to the satisfactory outcome of the reference verification procedures.

- 4.8 Notwithstanding the above, the Human Resources Section may also verify the academic and professional credentials of the candidate and record with the last employer, if provided to the Court.
- 4.9 On the condition that the medical clearance and security clearance are completed and the outcome of the reference verification procedures carried out is satisfactory, a letter of appointment will be provided to the candidate upon entry on duty, unless the candidate is already holding an appointment with the Court as stipulated in section 4.10 below. The letter of appointment shall contain, expressly or by reference, the terms and conditions of employment and details of the candidate's entitlements, including the terms specified under Staff Rule 104.2. In urgent cases, a conditional letter of appointment, initially for a period not exceeding three months, may be offered, subject to completion of medical clearance and security clearance and to the satisfactory outcome of the reference verification procedures.
- 4.10 The selected candidate shall be offered a short-term appointment unless he or she already holds another type of appointment, in which case the following rules apply:
- (a) Candidates holding a fixed-term appointment against an established post will retain their fixed-term appointment and will be temporarily assigned to the position and granted a special post allowance, where applicable;
 - (b) Candidates holding a fixed-term appointment against general temporary assistance funds will retain their fixed-term appointment. Such candidates will be temporarily assigned to the position for an initial period not exceeding the duration of their fixed-term appointment. Staff members will be granted a special post allowance where applicable;
 - (c) Notwithstanding the above, the approval of the section chief of the releasing section shall be required prior to the temporary assignment of candidates holding a fixed-term appointment against an established post or general temporary assistance funds.

Section 5

Fitness for duty

- 5.1 Unless a medical clearance has already been granted by the Court's Medical Officer, all candidates will be required to receive medical clearance in accordance with section 5.2 below, prior to the issuance of a letter of appointment.
- 5.2 The following minimum requirements shall apply for recruitment under a short-term appointment:

- (a) A candidate who has been offered a short-term appointment of less than six months shall submit a medical certificate from a licensed medical practitioner stating that the candidate is medically fit to perform the assigned functions.
- (b) A candidate who has been offered a short-term appointment of six months or more, or whose short-term appointment will be extended beyond six months, is required to undergo a medical examination. The Court's Medical Officer shall assess, based on the results of a medical examination, whether the candidate is medically fit to perform the assigned functions without risk to the safety and health of themselves and others.

Section 6

Eligibility of a staff member who has held or is holding a short-term appointment

- 6.1 A staff member who has held or is holding a short-term appointment shall be eligible to apply for other short-term or fixed-term positions and shall be regarded as an external candidate.
- 6.2 A staff member who is exceptionally issued a short-term appointment as provided in section 4.2 is not eligible for an extension and shall be separated from service, or return to his or her fixed-term position, where applicable, unless he or she is selected in a competitive recruitment process that takes place during the short-term appointment.

Section 7

Performance evaluation

- 7.1 At the end of the short-term appointment that is for six months or less, the supervisor of the staff member shall issue a performance evaluation on a standard performance evaluation form for staff members holding short-term appointments. A signed hard copy of the form shall be provided to the Human Resources Section for inclusion in the staff member's official status file.
- 7.2 A staff member referred to in section 7.1 who disagrees with the performance rating given at the end of his/her short-term appointment may, within seven calendar days of signing the completed performance appraisal form, submit a written explanatory statement to the Chief of Human Resources Section. The performance evaluation form and the explanatory statement shall become part of the official status file of the staff member.

- 7.3 The *Administrative Instruction on Performance Appraisal System* (ICC/AI/2013/003) shall govern the performance evaluation of a staff member whose service under a short-term appointment is for more than six months.

Section 8
Salaries and related allowances

- 8.1 The related allowances applicable to staff members holding a short-term appointment are set out in annex I of this administrative instruction.
- 8.2 The salary and step in grade on appointment shall be determined in accordance with the Court's established guidelines.
- 8.3 A staff member who holds a short-term appointment shall be eligible for payment of salary at the dependency rate and/or dependency allowance as appropriate, in accordance with the conditions specified in Staff Rule 103.17 and the *Administrative Instruction on Dependency Status and benefits* (ICC/AI/2013/006).
- 8.4 A staff member who holds a short-term appointment serving in posts subject to international recruitment, as defined under Staff Rule 104.10, shall be eligible for the following allowances in accordance with the conditions set out in the specified staff rules, administrative issuances and this administrative instruction:
- (a) Salary increment as set out under Staff Rule 103.8, should the appointment be exceptionally extended beyond one year;
 - (b) Post adjustment and rental subsidy pursuant to Staff Rule 103.3; and
 - (c) Where applicable (i.e. for field duty stations), allowances set out under the *Administrative Instruction on Conditions of Service for Internationally-Recruited Staff in Field Duty Stations* (ICC/AI/2010/001).
- 8.5 A staff member who holds a short-term appointment serving in posts subject to local recruitment, as defined under Staff Rule 104.9, shall be eligible for the following allowances in accordance with the conditions set out in the specified staff rules, administrative issuances and this administrative instruction:
- (a) Salary increment as set out under Staff Rule 103.8, should the appointment be exceptionally extended beyond one year; and

- (b) Allowances set out under the *Administrative Instruction on Overtime, Stand-by Duty, Compensatory Time-Off and Night Differential* (ICC/AI/2013/007).

Section 9

Official holidays, annual and special leave

Official holidays

- 9.1 Official holidays, normally numbering ten a year, shall be designated for each duty station. They shall not be charged to annual leave and their timing shall vary according to local conditions and customs.

Annual leave

- 9.2 A staff member who holds a short-term appointment shall accrue annual leave while in full pay status at the rate of two and a half days for each calendar month of service, or any fraction thereof to the nearest half day. Upon separation, any accrued annual leave not utilized by the end of the short-term appointment may be commuted into a sum of money for the period of such accrued annual leave up to a maximum of 30 working days. Between successive short-term appointments, up to a maximum of 30 days of accrued annual leave may be carried forward.
- 9.3 Notwithstanding the above, the obligations and entitlements with respect to annual leave, as stipulated under Staff Rule 105.2 (b), (c), (d), (f) and (h) shall also apply to a staff member holding a short-term appointment.
- 9.4 A staff member whose short-term appointment has been exceptionally extended beyond the initial period of one year, in accordance with section 13, may accumulate and carry forward up to 30 working days of annual leave by 1 January. Upon separation, any accrued annual leave not utilized by the end of the short-term appointment may be commuted into a sum of money for the period of such accrued annual leave up to a maximum of 30 working days.

Special leave in exceptional circumstances

- 9.5 Staff members holding a short-term appointment may, exceptionally and to the discretion of the Registrar or Prosecutor, as appropriate, be granted special leave, with full or partial pay or without pay, for compelling reasons and for such limited period as deemed appropriate.

Section 10
Social security

United Nations Joint Staff Pension Fund

10.1 A staff member whose appointment is for six months or more, or who completes six months of service without an interruption of more than 30 calendar days shall become a participant in the United Nations Joint Staff Pension Fund.

Sick leave

10.2 A staff member shall be entitled to sick leave in accordance with Staff Rule 106.4. A staff member who holds a short-term appointment shall accrue certified sick leave at the rate of two working days for each month of contractual service. A staff member shall be granted the full entitlement of the sick leave for the duration of the appointment at any point in time during his or her appointment in accordance with the Court's established procedures on sick leave. In cases where a staff member is on certified sick leave at the date of expiration of his or her short-term appointment, the appointment shall be exceptionally extended for the purpose of allowing the staff member to utilise the balance of sick leave days he or she had accrued up to the expiration date of the appointment. No further extension of sick leave shall be provided, nor does the exceptional extension give rise to any further accrual of leave days, other benefits, or entitlements.

10.3 Accrued sick leave cannot be carried forward between successive appointments.

Emergency leave

10.4 A staff member who holds a short-term appointment shall be entitled to emergency leave in accordance with Staff Rule 106.5.

Maternity leave

10.5 A staff member who holds a short-term appointment is entitled to maternity leave in accordance with Staff Rule 106.6. In cases where maternity leave has started prior to the end of the short-term appointment but has not been completed during the short-term appointment, the appointment of the staff member may be exceptionally extended, as determined by the Registrar or the Prosecutor, where applicable, for the purpose of exercising the unused portion of the maternity leave entitlement. The appointment extended for that purpose shall not be

extended beyond the period of the maternity leave entitlement and the extension does not give rise to any additional or new benefits or entitlements.

Other parent leave

- 10.6 A staff member who holds a short-term appointment is entitled to other parent leave in accordance with Staff Rule 106.8, upon completion of six months of continuous service and provided that the staff member is expected to continue in service for at least three months upon return from the other parent leave.
- 10.7 The other parent leave may be taken either continuously or in separate periods during the year of birth or adoption of the child, where applicable, and provided it is completed within the duration of the short-term appointment. The appointment shall not be extended solely in order to exercise the unused portion of the other parent leave.
- 10.8 Any unused other parent leave shall not be commuted into a sum of money upon separation of service.

Adoption leave

- 10.9 A staff member who holds a short-term appointment is entitled to adoption leave in accordance with Staff Rule 106.7, upon completion of six months of continuous service, and provided that the staff member is expected to continue in service for at least three months upon return from the adoption leave.

Compensation for service-incurred illness, injury or death

- 10.10 A staff member who holds a short-term appointment shall be entitled to compensation in the event of illness or injury attributable to the performance of official duties on behalf of the Court, in accordance with the provisions established by the Registrar in consultation with the Prosecutor. In the case of a staff member's death being attributable to the performance of official duties on behalf of the Court, the staff member's beneficiaries shall be entitled to compensation, in accordance with the provisions established by the Registrar, in consultation with the Prosecutor.

Death grant

10.11 If a staff member dies while in service, a death grant shall be paid to his or her surviving spouse and/or dependent children or a secondary dependant in respect of whom a dependency allowance is payable. The death grant shall be calculated and divided among these beneficiaries as allowed for under Staff Rule 109.5.

Compensation for loss of or damage to personal effects attributable to service

10.12 A staff member who holds a short-term appointment shall be entitled, within the limits and under terms and conditions established by the *Administrative Instruction on Procedure for Compensation for Loss or Damage to Personal Effects Attributable to Service* (ICC/AI/2005/01), to compensation in the event of loss of or damage to personal effects attributable to service on behalf of the Court.

Section 11

Medical insurance

11.1 A staff member who holds a short-term appointment shall participate in the health insurance scheme applicable at the relevant duty station starting from the first day of the appointment.

11.2 A candidate requesting exemption from participation in the health insurance scheme provided by the Court shall be required to certify that he or she has secured coverage generally equivalent to the coverage provided by the Court.

Section 12

Travel-related entitlements

12.1 A staff member who holds a short-term appointment on a post subject to international recruitment shall be eligible, if not recruited at the duty station or from within commuting distance from the duty station¹, for the following travel-related entitlements:

- (a) The daily subsistence allowance portion of the assignment grant in accordance with Staff Rule 107.14 (b), for the staff member only, as applicable;

¹ For the purposes of this administrative instruction, the commuting distance for The Hague duty station is in accordance with section 2.1 of the *Information Circular on Commuting Distance from The Hague Duty Station* (ICC/INF/2012/019). For other duty stations, the same 100 kilometre radius shall apply for the determination of commuting distance.

- (b) Travel expenses pursuant to Staff Rules 107.4, 107.5 and 107.6, and excess baggage entitlement pursuant to Staff Rule 107.12, for the staff member only, as applicable;
- (c) Unaccompanied shipment pursuant to Staff Rule 107.13 for the staff member only, as applicable;
- (d) Travel authorized for medical, safety or security reasons pursuant to Staff Rule 107.1 (a) (viii), as applicable;
- (e) Allowances applicable under the *Administrative Instruction on Conditions of Service for Internationally-Recruited Staff in Field Duty Stations* (ICC/AI/2010/001).

12.2 A staff member holding a short-term appointment who resigns before completing the period of service anticipated for the short-term appointment shall not be entitled to payment of return travel expenses for himself or herself unless the Registrar or Prosecutor, as appropriate, determines that there are compelling reasons for authorizing such payment.

Entitlements to travel, shipment and subsistence allowance for successive short-term appointments within the same duty station

- 12.3 A staff member who is offered successive short-term appointments subject to international recruitment within the same duty station is subject to the following:
- (a) If the successive short-term appointments are at the same duty station and even if they are within a different division, section or unit, payment of travel-related entitlements set forth in section 12.1 for the staff member shall only be authorized once, notwithstanding paragraph (b) below;
 - (b) Travel entitlements set out under section 12.1 may be paid to a staff member who is offered successive short-term appointments at the same duty station as his or her previous short-term appointment, only when at least six months have passed between separation and re-employment.

Section 13

Exceptional extension of a short-term appointment beyond the period of one year

- 13.1 A short-term appointment may exceptionally be extended beyond one year, up to a maximum of two years, under the following circumstances:
- (a) Where a temporary emergency or a sudden increase in workload unexpectedly continues for more than one year;
 - (b) Where a special project unexpectedly continues for more than one year; or

(c) Where operational needs unexpectedly continue for more than the initial period of one year.

13.2 Under no circumstances shall the period of a short-term appointment exceed in total two years.

13.3 A request for an exceptional extension of a short-term appointment leading to service of more than one year shall be sent by the head of division, section or unit to the Human Resources Section. It shall be accompanied by a written justification, which must be consistent with the provisions of the present instruction. The Registrar or Prosecutor, as appropriate, shall decide whether or not the recommendation will be approved.

Home leave

13.4 A staff member who is internationally recruited to a field duty station and whose short-term appointment has been exceptionally extended beyond the initial period of one year shall be entitled to home leave in duty stations with a 12-month home leave cycle subject to the specific conditions of this entitlement set out in the *Administrative Instruction on Conditions of Service for Internationally-Recruited Staff in Field Duty Stations (ICC/AI/2010/001)*.

Repatriation grant

13.5 A repatriation grant in accordance with Staff Rule 109.6 shall be payable to a staff member who has accrued one year or more of continuous service.

Travel- related entitlements

13.6 Exceptional extension of the short-term appointment beyond one year within the same division, section, or unit at the same duty station does not give rise to additional travel-related entitlements under section 12 above.

Section 14

Expiration or termination of a short-term appointment

14.1 A short-term appointment shall expire on the expiration date specified in the letter of appointment, or in the notice of the temporary assignment, as applicable. Separation as a result of the expiration of the short-term appointment shall not be considered termination.

14.2 A short-term appointment may be terminated prior to the expiration date specified in the letter of appointment or in the notice of the temporary assignment, in accordance with the reasons set forth in Staff Rule 109.1 (b).

Notice of termination

14.3 A staff member whose short-term appointment is to be terminated shall be given no less than 15 calendar days' written notice of such termination or such longer written notice as may otherwise be stipulated in the letter of appointment or notice of temporary assignment.

14.4 In lieu of the notice period, the Registrar or Prosecutor, as appropriate, may authorise compensation equivalent to salary, applicable post adjustment and allowances corresponding to the relevant notice period, less any amount owed to the Court by the staff member.

14.5 No termination notice or compensation in lieu thereof shall be given in case of summary dismissal.

Termination indemnity

14.6 Staff members holding short-term appointments exceeding six months of service shall be paid a termination indemnity in accordance with that provided for under Staff Rule 109.2 (g). This applies also to short-term appointments of an initial duration of six months or less that are subsequently extended beyond six months.

14.7 Staff members who serve under a short-term appointment for a total duration of six months or less shall not be paid a termination indemnity.

Section 15
Disciplinary Measures

15.1 Failure by a staff member under a short-term appointment to act in accordance with any official document of the Court governing rights and obligations of staff members, or any relevant resolution or decision of the Assembly of States Parties, or failure to observe the standards of conduct expected of an international civil servant, may amount to unsatisfactory conduct within the meaning of Staff Regulation 10.2 (a), leading to the institution of disciplinary proceedings and the imposition of disciplinary measures in accordance with Staff Rule 110.6.

15.2 The institution of disciplinary proceedings for staff members under short-term appointments shall be in accordance with the *Administrative Instruction on Disciplinary Procedures* (ICC/AI/2008/001).

Section 16

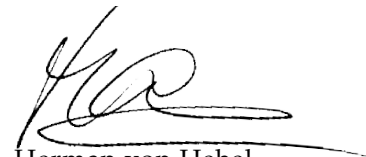
Review of this administrative instruction

16.1 This administrative instruction shall be reviewed one year after its date of issuance.

Section 17

Final provisions

17.1 This administrative instruction shall enter into force on its date of issuance.

A handwritten signature in black ink, appearing to read 'H. von Hebel', with a long horizontal flourish extending to the right.

Herman von Hebel

Registrar