

**Administrative Instruction – Instruction administrative**

Ref. ICC/AI/2008/006

Date : 8 September 2008

**PART-TIME EMPLOYMENT OF STAFF MEMBERS**Section 1Purpose

1. The Registrar, in consultation with the Prosecutor, for the purposes of setting out the rules governing part-time employment of staff members of the International Criminal Court (The Court), hereby promulgates this administrative instruction.

Section 2General Provisions

2.1. In support of a caring environment and work life balance principles, the Court has introduced the possibility of part-time employment. Part-time employment allows staff members to continue working while attending personal needs.

2.2. Part-time employment shall not be considered a vested right of staff members. It may only be authorised where such authorisation would not affect the functionality of the Court and where the specific work circumstances would allow such arrangement.

2.3. The specific conditions of service on part-time employment shall be adjusted and have to be agreed upon by both the staff member concerned and the Registrar or the Prosecutor, as appropriate.

2.4. Part-time employment shall be offered under two different conditions: PART-TIME 50 entails working fifty percent of the normal working hours, PART-TIME 80 entails working eighty percent of the normal working hours. The specific modalities of each condition are described in Sections below.

2.5. Part-time employment will only be granted for complete calendar months, starting on the first day of the calendar month.

2.6. While a change to part-time employment shall not affect the staff member's contractual status, the specific conditions of service shall be adjusted to reflect the reduced working hours.

### Section 3

#### Eligibility

3.1. Part-time employment may be granted to staff members holding a fixed-term appointment (FTA).

3.2. Staff members having a FTA and working on full-time status must have completed a minimum of one year of service before they may be eligible for part-time employment. Under very special circumstances, and with well supported documentation, exceptions may be granted by the Registrar or the Prosecutor, as appropriate.

### Section 4

#### Reasons

4.1. Part-time employment may be requested for a variety of reasons. It may be granted, on a priority basis, for pressing personal or family reasons, such as having

to care for a child or family member. The Registrar or Prosecutor, as appropriate, has the discretion to either grant or reject such request.

4.2. Part-time employment shall not be granted for the purpose of taking up or exercising any other remunerated activity.

## Section 5

### Eighty Percent Part-Time Employment (PART-TIME 80)

5.1. Staff members wishing to reduce their working hours to eighty percent of the normal working hours must first obtain the written authorisation of their supervisor(s), Section Chief or Director of the Division, as appropriate. This approval needs to include an assurance that the work of the office, or section, as appropriate, will not be negatively affected. As other staff members may have to absorb the remainder of the work load, consideration will need to be given to them as well, where and when appropriate.

5.2. Once the request has been finally approved by the Registrar or the Prosecutor, as appropriate, it needs to be transmitted to the Human Resources Section. In cases that approval cannot be granted, staff members may request written reasons for the refusal. As office circumstances, staff compositions and workload change, another request at a more appropriate time may also be reviewed. If part-time employment is not considered feasible in a staff member's position, he/she may contact the Human Resources Section and request that he/she be considered for any other suitable position in which part-time employment would be possible. The Human Resources Section will maintain a roster of staff members interested in working part-time as well as a list of those positions which supervisors indicate as being suitable for part-time work.

5.3. Initial requests for eighty percent part-time employment can only be made for a minimum period of 6 months and a maximum of 12 months. Subsequent extensions in six or twelve-month intervals may be granted, provided the staff member demonstrates a continued need, and his/her supervisor continues to support and approves such request in writing.

5.4. To meet the working hours requirements of working eighty percent of the normal working hours, two options are available. Option 1 is to work four full days per week. Option 2 is to work five days per week for eighty percent of the daily working hours. Staff member will need to indicate in their request to their supervisors which of these two options they wish to exercise. The approval has to be granted based on the selected option. In exceptional work circumstances, the approving supervisor could authorise a different work schedule, provided this schedule is acceptable to all concerned.

5.5. In case of exercising Option 1, staff members will be granted ICC official holidays only when such holiday falls on a normal working day, by following the normal working schedule of the staff member. It is not permissible to change the normal work schedule in order to take advantage of an official holiday.

5.6. Staff members who are on part-time employment on an eighty percent basis and who wish to return to full-time employment may be converted to full-time status subject to the agreement of the supervisor and workload requirements within his/her unit/section.

## Section 6

### Fifty Percent Part-Time Employment (PART-TIME 50)

6.1. The requirement of working only fifty percent of the normal working hours can be met by one of three options: Option 1 has a work schedule of 2 1/2 days each week; Option 2 has a schedule of working on alternate weeks 2 full days per week, followed by 3 full days per week; Option 3 has a schedule of working every day for fifty percent of the normal daily working hours. Staff members will need to indicate in their request which of these three options they choose. The approval of the supervisor has to include the selected option. Exceptionally, the supervisor can authorise a different schedule provided the authorised schedule is compatible with the functional requirements of the position.

6.2. The fifty percent part-time employment can be accommodated and granted in two different modalities: Either the duties and responsibilities of the staff member are reduced, and as such the overall working hours, or they remain the same and two fifty-percent part-time staff members would share the same post.

6.3. In case the working hours of a staff member are temporarily reduced by fifty percent the provisions stipulated in sections 5.1., 5.2. and 5.3. shall apply *mutatis mutandis*.

6.4. In case two staff members would share one full-time post, recruitment procedures for filling the vacant 50 percent share would have to comply with the regular selection process. The schedule of staff members sharing one full-time position would have to be arranged to ensure the full coverage of each working day.

6.5. In case of exercising Options 1 or 2, staff members will be granted ICC official holidays only when such holiday falls on a normal working day, by following the normal working schedule of the staff member. It is not permissible to change the normal work schedule in order to take advantage of an official holiday.

6.6. Staff members who are on part-time employment on a fifty percent basis and who wish to return to full-time employment may be converted to full-time status subject to the agreement of the supervisor and workload requirements within his/her unit/section. In the case of a part-time arrangement which involves job sharing with another part-time staff member, the return to full-time employment in the same position may only be possible if the second part-time incumbent leaves the post. If the second incumbent wishes to retain his/her fifty percent part of the position, the staff member wishing to return to full-time employment can contact the Human Resources Section for assistance in identifying a suitable full-time position elsewhere in the Court.

## Section 7

### Salary, Benefits and Allowances

7.1. Part-time staff members shall be entitled to the same benefits and allowances, on a pro-rata basis, as full-time staff members. The salary, benefits and allowances of part-time staff members shall be pro-rated in accordance with their agreed working schedule. Accordingly, they will be paid either eighty or fifty percent of the salary of a full-time staff member working at the same grade and step.

7.2. For part-time staff members in General Service category, the same pro-rated salary shall be the basis for determination of other entitlements like annual leave,

special leave with pay, sick leave, emergency leave, maternity leave, adoption leave and other parent leave.

7.3. For part-time staff members in the Professional and higher categories, the base salary, all allowances and entitlements shall be pro-rated accordingly:

7.3.1. For staff members receiving an allowance for a dependent child the following rule applies: In cases where a part-time staff member or his/her spouse receives a grant in respect of a dependant child/children from a government or another similar organisation, the total amount of the grant shall be deducted from the pro-rated amount of the dependency allowance payable to the staff member. In cases where the government grant exceeds the amount of the pro-rated dependency allowance, this will not preclude the recognition of the children as dependants of that staff member for other purposes, such as coverage in the Medical Insurance, etc.

7.3.2. Concerning the earning limits to qualify for a dependent spouse allowance, the established limit shall not be prorated.

7.3.3. Regarding prorating the established minimum period of 12-months to qualify for Mobility and Hardship Allowance, for eighty percent part-time service, they shall be pro-rated to 15-months, and for fifty percent part-time service, the minimum period shall be pro-rated to 24-months of service.

7.3.4. Education Grant or Special Education Grant shall be paid to an eligible part-time staff member at either eighty or fifty percent, as appropriate, of the amount paid to a full-time staff member under the Staff Rules governing Education Grant.

7.3.5. Part-time staff members eligible for Education Grant Travel for their children shall be granted such travel under similar conditions as full-time staff members, except that they will have to pay themselves either twenty or fifty percent, as appropriate, of the actual travel cost to be calculated on the same basis as full-time staff members' entitlements.

7.3.6. The reimbursement modality for Education Grant Travel has to be established at the time of conversion from full-time status to either eighty or fifty percent employment. The first education grant travel entitlement, following conversion to part-time employment, shall be established based on the length of the

staff member's service during the relevant school year (either on full-time or part-time status).

7.4. Regarding rental subsidy, part-time staff members may be entitled to subsidy payments under the same conditions as full-time staff members, except that they may be paid only either eighty or fifty percent of the rental subsidy amount.

## Section 8

### Within-Grade Salary Increments

8. Part-time staff members shall receive within-grade salary increments under the same conditions and with the same periodicity as full-time staff members.

## Section 9

### Overtime

9.1. Part-time staff members are not expected to work overtime at weekends or on official holidays, and they are not entitled to night differential in cases of shift work.

9.2. Part-time staff members who are exceptionally required to work in excess of their normal schedule shall be remunerated at the straight time rate for additional hours worked up to the normal scheduled working week of full-time staff members. Thereafter, they shall be compensated according to the conditions governing compensation for overtime work.

## Section 10

### Annual Leave

10.1. Staff members on eighty percent part-time employment shall accrue 2 full days of annual leave per month. Staff members on fifty percent part-time employment shall accrue 1 1/4 days of annual leave per month.

10.2. Staff members seeking part-time employment shall, prior to conversion to part-time employment, adjust their accumulated annual leave balance following a prorated scheme established in accordance with Staff Rule 105.2 (e): For eighty percent part-time employment the maximum limit shall be established at 48 full days, in the case of fifty percent part-time employment the maximum limit shall be established at 30 full days. Following conversion to part-time employment, a staff member cannot use accrued annual leave to remain on full pay status.

## Section 11

### Home Leave and Family Visit Travel

11.1. Part-time staff members entitled to home leave and/or family visit travel shall be granted such travel and related entitlements under the same terms and conditions with the same periodicity as full-time staff members. However, they shall be required to contribute twenty or fifty percent, as appropriate, of the actual ticket cost.

11.2. At the time of conversion from full-time to part-time status, the rate of reimbursement for the first annual leave/family visit travel following conversion shall be established on the basis of the longest period of time the staff member has been employed either on full-time or part-time status, covering the period between the staff member's return from his/her last home leave and the departure date of his/her next home leave.

## Section 12

### Sick Leave and Emergency Leave

12.1. The provisions of the Staff Regulations and the Staff Rules governing sick leave in respect of full-time staff members shall apply to part-time staff members, except that part-time staff members shall receive eighty or fifty percent, as appropriate, of the salary and allowances payable to full-time staff members.

12.2. The provisions governing emergency leave in respect of full-time staff members shall apply to part-time staff members and will be prorated accordingly: staff



members on eighty percent part-time basis shall be entitled to 5 1/2 days of emergency leave per year, staff members on fifty percent part-time basis shall be entitled to 3 1/2 days of emergency leave per year.

### Section 13

#### Maternity Leave, Adoption Leave and Other Parent Leave

13. Part-time staff members shall be entitled to similar benefits granted to full-time staff members and will receive during maternity leave, adoption leave or other parent leave eighty or fifty percent, as appropriate, of the salary and allowances payable to full-time staff members.

### Section 14

#### Participation in the United Nations Joint Staff Pension Fund

14.1. Part-time staff members are entitled to participate in the United Nations Joint Staff Pension Fund in accordance with the supplementary Article A of the Regulations of the Fund. A change to part-time employment will not interrupt continuation of participation. The Court and the participant will contribute the approved percentage of either eighty or fifty percent, as appropriate, of the pensionable remuneration.

14.2. For the purpose of calculating benefits payable by the Joint Staff Pension Fund, the pensionable remuneration for part-time staff members shall be the same as for full-time staff members at the same grade and step. The entitlement to, and the amount of benefits resulting from, part-time employment shall, however, be reduced in the ratio which part-time employment bears to full-time employment. This ratio will be either eighty or fifty percent, as appropriate (for example, one year at eighty percent part-time employment will count as 9 months and 18 days of contributory service; one year at fifty percent part-time employment will count as 6 months of contributory service).

14.3. A part-time participant who is granted special leave without pay (SLWOP) shall be entitled to accrue contributory service in the Pension Fund during this

period, provided contributions are paid concurrently with such leave. The total amount of such contributions would be the same as that which would have been payable jointly by the participant and the Court had the participant continued in part-time employment during such period. In accordance with article 25(b)(I) of the Regulations of the Fund, these contributions shall be payable by either the participant in full or by the Organisation in full, or in part by the participant and in part by the Court.

14.4. Staff members are advised that there is no legal basis in the Regulations of the Fund that would permit a simultaneous combination of part-time service (at least 50 %) with SLWOP so as to permit pension contributions at 100% of full-time.

## Section 15

### Medical Insurance

15.1. Part-time staff members shall be eligible for full medical insurance under the same terms and conditions as specified in the Rules and Regulations of the Insurance Company (Van Breda) as full-time staff members. The total amount of the premium to be charged by the Insurance Company (i.e. the staff member's contribution plus the subsidy of the Court) shall be calculated on the basis of the net salary plus post adjustment and language allowance, where applicable, which would be paid to the staff members if they were employed on full-time basis.

15.2. The amount of the subsidy paid by the Court, however, will be pro-rated. Staff members on part-time employment shall be granted eighty or fifty percent, as appropriate, of the subsidy given to full-time staff members and shall pay the rest of the premium themselves.

## Section 16

### Compensation for Death, Injury and Illness Attributable to Service

16.1. The compensation benefits payable in the event of death, injury or illness shall be the equivalent of either eighty or fifty percent, as appropriate, of the amounts determined for staff members on full-time employment, except that in the event of

death such benefits shall be so established as to take into account, on a pro-rata basis, previous full-time service.

16.2. Any additional lump-sum payment in the case of injury or illness resulting in permanent disfigurement, or permanent loss of a body part or function, shall be the full amount (s).

## Section 17

### Travel and Related Entitlements on Separation from Service

17. Upon separation, part-time staff members shall be entitled to return travel under the same conditions as full-time staff members, provided the appropriate service requirements have been satisfied. Such staff members shall be entitled to the same unaccompanied shipment and removal entitlements as full-time staff members provided their combined period of full-time service is equivalent to the periods of service established for full-time staff members to be granted such entitlements. A period of part-time service will be counted as either eighty or fifty percent, as appropriate, for these purposes. For eighty percent part-time staff members, a period 15-month of service shall be deemed equivalent to one year of full-time service. For fifty percent part-time staff members, a period of 24-month of service shall be deemed equivalent to one year of full-time service.

## Section 18

### Termination Indemnity

18. With reference to Staff Rule 109.2, part-time staff members shall be paid termination indemnity under the same terms and conditions of full-time staff members, except that periods of service in part-time employment shall be pro-rated. For eighty percent part-time staff members, a period of 15-month of service shall be deemed equivalent to one year of full-time service. For fifty percent part-time staff members, a period of 24-month of service shall be deemed equivalent to one year of full-time service.

## Section 19

### Repatriation Grant

19. Repatriation grant shall be paid to part-time staff members under the same terms and conditions as for full-time staff members, except that periods of service in part-time employment shall be pro-rated accordingly. For eighty percent part-time staff members, a period of 15-month of service shall be deemed equivalent to one year of full-time service. For fifty percent part-time staff members, a period of 24-month of service shall be deemed equivalent to one year of full-time service.

## Section 20

### Last Day for Pay Purposes in the Event of Death

20. For the purposes of applying Staff Rule 109.5, in case of death of a staff member on part-time employment, the same terms and conditions established for full-time staff members shall apply, with the exception that periods of service on part-time employment shall be pro-rated accordingly. For eighty percent part-time staff members, a period of 15-month of service shall be deemed equivalent to one year of full-time service. For fifty percent part-time staff members, a period of 24-month of service shall be deemed equivalent to one year of full-time service.

## Section 21

### Final Provision

21. This Administrative Instruction shall enter into force on 8 September 2008 and supersedes any previous administrative issuances on this subject.



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Registrar