

EXECUTIVE COMMITTEE

Twenty-fourth Regular Meeting July 22-23, 2004

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PROPOSED AMENDMENTS TO THE STAFF RULES

San Jose, Costa Rica July 2004

INTRODUCTION

Current Text

Introduction

Proposed Text ¹

Introduction

The Rules contained in this document expand upon and supplement the Rules of Procedure of the General Directorate, Official Document Series No. 22. These Rules are intended to be the norms of operation for use by the Director General. The provisions of this document will not be interpreted as modifying any of the decisions of the Inter-American Board of Agriculture (IABA), but are to supplement them and to provide the Director General with the necessary instruments to exercise his prerogatives and defined responsibilities.

In accordance with the powers granted him by the Convention and within the provisions of the Rules of Procedure of the General Directorate, the Director General is the final authority in all matters concerning the regulations established in these rules, and only he may authorize exceptions to the provisions they contain.

Along with the Rules of Procedure of the General Directorate and the pertinent resolutions of the Board, these rules provide the framework for a just system of personnel administration. In so doing, they create an environment for greater efficiency and harmony for all of the staff members of the Institute.

These rules satisfy the requirements of Article 3.h of Chapter I of the Rules of Procedure of the Executive Committee. References to the pertinent articles of the Rules of Procedure of the General Directorate are shown for cross reference, in parentheses.

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These rules contain a glossary of the terms used in these Staff Rules and in the document entitled System for the Determination of Remuneration for IICA Personnel. For the correct interpretation and application of these Rules and that document, users should consult the glossary.

SECTION ANALYSIS

The purpose of this provision is to remind users of the Rules that there is a glossary and that the definitions contained therein are important for applying and interpreting the Rules. Users often either do not realize there is a glossary or forget that it exists, which leads to unnecessary misunderstandings and mistakes.

¹ Deletions from current text are in strikeout; new text is in **bold** and italics. Use of male pronoun is gender neutral, unless the context clearly suggest otherwise.

CHAPTER I ORGANIZATION OF PERSONNEL

Current Text

Rule 1.3 Advisory Committee on Classification

The Director General will appoint a Human Resources Committee to advise the Director General on matters relating to the classification of positions and the selection of professional personnel to be hired. Its members shall include the Deputy Director General, the Assistant Deputy Directors General, the Director of Finance, the Director of Programming and Evaluation and the Director of Human Resources, who will be the Committee's Secretary. The Area Directors, other Directors, Legal Advisor or any other officials from the Institute may be consulted.

Proposed Text

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Rule 1.3 Human Resources Advisory Committee

The Human Resources Advisory Committee (HRAC) shall also serve as the Reconsideration and Disciplinary Joint Committees provided for under these Rules and shall advise the Director General on other human resource matters. The Committee shall have a minimum of three members, at least one of whom shall be a Headquarters staff member appointed by the Staff Association. Its other members shall be appointed by the Director General. The Director of Human Resources shall serve as the Committee's Secretary.

SECTION ANALYSIS

IICA's current rules provide for a number of specialized human resources committees covering the various dimensions of human resources management. They include the advisory committees on classification, on disciplinary matters and on reconsideration. Unfortunately, IICA no longer has the resources to staff and coordinate all these committees. Economies and efficiencies can be realized by combining these committees into one Advisory Committee with expertise and experience in the entire human resources management area. The text of the proposed rule is entirely new.

The Rules of Procedure of the General Directorate ("RPDG") require that at least one member of the current Disciplinary and Reconsideration Committees be appointed by the Staff Association. That is why this new Committee, which will also serve as the Disciplinary and Reconsideration Committees, must have a member appointed by the Staff Association. A new rule 10.7.3 introduced later in these modifications guards against possible conflicts of interest when the Committee meets as a Reconsideration Committee.

The Committee will be composed of at least three (3) members in order to facilitate the application of Rule 10.7.3 on conflicts of interests.

CHAPTER I ORGANIZATION OF PERSONNEL

Current Text Proposed Text

Rule 1.5 Types of Personnel

1.5.2 Local Personnel

b. General Services: persons performing tasks for which specific technical training may or may not be necessary, but do not necessarily require a professional degree. They are hired locally to perform support functions or to provide auxiliary services, not subject to lengthy transfers to or assignments at a duty station other than the country in which they were hired. Their labor relations are also covered by all pertinent stipulations of the Institute's Rules of Procedure or regulations that do not contradict these local labor laws. These staff members need not be nationals of the country in which they work. However, they must have the appropriate documentation that allows them to legally work in the country.

Rule 1.5 Types of Personnel

1.5.2 Local Personnel

b. General Services *Personnel:* persons performing *perform* tasks for which specific technical training may or may not be necessary, but do not necessarily require a professional degree; They are hired locally *under local labor laws and practices* to perform support functions or to provide auxiliary services, not subject to lengthy transfers to or assignments at a duty station other than the country in which they were hired. Their labor relations are also covered by all pertinent stipulations of the Institute's Rules of Procedure or regulations that do not contradict these local labor laws. These staff members need not be nationals of the country in which they work. However, they must have the appropriate documentation that allows them to legally work in the country.

SECTION ANALYSIS

This change corrects an inadvertent omission in the first sentence of the text of this Rule, which occurred when it was last modified in 2001. The first definition of this Rule on Local Professional Personnel refers to "those local laws and practices." A similar reference in the first sentence of the second definition is missing. To resolve this problem, we suggest that the new underlined text above be added to this Rule.

CHAPTER III DUTIES, OBLIGATIONS AND PRIVILEGES

Current Text Proposed Text

Rule 3.10 Privileges, Immunities and Exemptions

New

- 3.10.3 Any and all privileges and immunities accorded to staff members by the Member States by way of agreement, legislation, or custom and practice, are granted in the interests of the Institute and not for the personal benefit of the individuals themselves. The Director General may waive the immunity of any staff member in any case where, in the Director General's opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Institute.
- 3.10.4 Without prejudice to the above-mentioned privileges and immunities, it is the duty of each staff member to respect the laws of his duty station or of any Member State in which he is on mission or to which he is otherwise assigned.
- 3.10.5 Prior to leaving his duty station, retiring, or otherwise separating from service, a staff member who is not an immigrant or citizen of the duty station country and against whom a civil action is pending in any court in his duty station in relation to activities for which there is no immunity under the corresponding agreements and laws, or for which immunity has been waived, must appoint an agent resident in the duty station. The staff member shall authorize that agent to receive process relating to the civil action, and in the event a final judgment is issued against the staff member, to receive salary, pensions, and other remuneration due to him from the General Directorate, so that such salary, pensions, and other remuneration may be available to satisfy the judgment. In the event the staff member fails to appoint that agent, the General Directorate shall have the authority to appoint an agent for him and may do so. Any agent so appointed pursuant to this paragraph shall be resident in the duty station, or in any other locations which the General Directorate deems appropriate.

SECTION ANALYSIS

The text of this proposed rule is entirely new. The purpose of this provision is to remind staff members that the privileges and immunities accorded to them by the Member States are solely for enabling the Institute to carry out its functions and achieve its objectives. It also reminds them that such privileges and immunities do not exonerate the staff member from complying with local laws. Finally, it intends to assure that staff members do not abuse those privileges and immunities and satisfy their legal responsibilities before leaving a duty station. This text is identical to similar text adopted for this purpose by the General Secretariat of the Organization of American States at the urging of several Member States, largely to assure that staff comply with their domestic support obligations and not seek to avoid them through their immunities.

CHAPTER IV SALARIES, ALLOWANCES, BENEFITS AND ADJUSTMENTS

Current Text Proposed Text

4.2.8 Recognition for Years of Service

 a. A bonus in recognition of years of service shall be paid to all International Professional staff members who have completed two years of service and who resign or whose appointment is terminated for reasons of health, the elimination of the contract of employment, retirement, or death. (Articles 63 and 64)

4.2.8 Recognition for Years of Service

a. A bonus in recognition of years of *continuous* service *as a staff member* shall be paid to all International Professional staff members who have completed two years of service as *staff members* and who resign or whose *staff* appointment is terminated for reasons of health, the elimination of the contract of employment, retirement, or death. (Articles 63 and 64).

SECTION ANALYSIS

The purpose of these corrections to the text of this Rule is to clarify and give some guidance for reasonable application of the rules governing the payment of the bonus in Recognition of Years of Service when a staff member, having observed good behavior, separates from service. Some have expressed doubt as to whether the benefit should take into account all service, including that rendered as independent contractors, volunteers, and employees of independent contractors. Obviously, as the practice in other international organizations in applying termination payments indicates, the intent of this rule is to take into account service as a staff member, nothing more. Similarly, as the table in Section 4.8(b) of Part I of the <u>System for the Determination of Remuneration of IICA Personnel</u> ("the Remuneration System") suggests, the benefit is intended only to take into account continuous service, as in other organizations.

CHAPTER IV SALARIES, ALLOWANCES, BENEFITS AND ADJUSTMENTS

Current Text Proposed Text

4.2.10 Merit Bonus 4.2.10 Merit Bonus

A special bonus for exceptionally high levels of performance as attested to through the performance appraisal procedures may be granted by the Director General.

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International Professional Staff members are eligible to earn a merit bonus, according to the terms and conditions established in the System for the Determination of Remuneration of IICA Personnel.

SECTION ANALYSIS

The text of this proposed rule is entirely new. Changes proposed in the Remuneration System provide for the possible payment of a bonus to all staff members who receive an evaluation of totally satisfactory or better. The present text of Rule 4.2.10 restricts the bonus only to those who perform at "exceptionally high levels." For that reason, new text is necessary for this Rule to correspond to the modification of the bonus provision set out in the Remuneration System.

CHAPTER IV SALARIES, ALLOWANCES, BENEFITS AND ADJUSTMENTS

Current Text Proposed Text

4.3.5 Recognition for Years of Service

a. A bonus for years of service will be paid to Local Professional Personnel according to the provisions of the Remuneration System.

4.3.5 Recognition for Years of Service

a. A bonus for years of *continuous* service *as a staff member* will be paid to Local Professional Personnel according to the provisions of the Remuneration System.

SECTION ANALYSIS

The purpose of these corrections to the text of this Rule is to clarify and give some guidance for the reasonable application of the rules governing the payment of the bonus in Recognition of Years of Service when a staff member, having observed good behavior, separates from service. Some have expressed doubt as to whether the benefit should take into account all service, including that rendered as independent contractors, volunteers, and employees of independent contractors. Obviously, as the practice in other international organizations in applying termination payments indicates, the intent of this rule is to take into account service as a staff member, nothing more. Similarly, as the table in Section 4.8(b) of Part I of the System for the Determination of Remuneration of IICA Personnel ("the Remuneration System") suggests, the benefit is intended only to take into account continuous service.

CHAPTER IV SALARIES, ALLOWANCES, BENEFITS AND ADJUSTMENTS

Current Text Proposed Text

4.4.3 Recognition for Years of Service

a. A bonus for years of service will be paid to General Services Personnel according to the provisions of the Remuneration System.

4.4.3 Recognition for Years of Service

 a. A bonus for years of *continuous* service *as a staff member* will be paid to General Services Personnel according to the provisions of the Remuneration System.

SECTION ANALYSIS

The purpose of these corrections to the text of this Rule is to clarify and give some guidance for the reasonable application of the rules governing the payment of the bonus in Recognition of Years of Service when a staff member, having observed good behavior, separates from service. Some have expressed doubt as to whether the benefit should take into account all service, including that rendered as independent contractors, volunteers, and employees of independent contractors. Obviously, as the practice in other international organizations in applying termination payments indicates, the intent of this rule is to take into account service as a staff member, nothing more. Similarly, as the table in Section 4.8(b) of Part I of the System for the Determination of Remuneration of IICA Personnel ("the Remuneration System") suggests, the benefit is intended only to take into account continuous service.

CHAPTER V CHANGE IN STATUS AND PERFORMANCE OF DUTIES

Current Text Proposed Text

Rule 5.8 Performance Appraisal

5.8.1 Aiming at a better utilization of human resources, each officer who has other staff members directly under his supervision shall make a periodic review and appraisal of each staff member at least once every two years. In addition to this appraisal by first level supervisors, there shall be a system of appraisal and review by the second level and higher if necessary. Staff members will be rated for both technical ability and administrative ability. The appraisal shall determine the efficiency of the staff member, his deficiencies, and his actual and potential capabilities. (Article 39)

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SECTION ANALYSIS

The purpose of this modification is to conform this Rule to the new evaluation system, which requires annual evaluations.

CHAPTER V CHANGE IN STATUS AND PERFORMANCE OF DUTIES

Current Text Proposed Text

Rule 5.8 Performance Appraisal

New

5.8.9 The following rules apply exclusively to challenging evaluations:

- a. A staff member who wishes to challenge his evaluation may indicate his disagreement with the evaluation in the place indicated on the evaluation form and present it to the Directorate of Human Resources ("DHR") by the established deadline, together with a memorandum which explains the specific reasons for his disagreement.
- b. The DHR will review the challenge and notify the staff member of its decision to leave it as it is or to send it to the Evaluation Review Committee ("ERC").
- c. The ERC shall include at least one Headquarters staff member, appointed by the Staff Association as its representative, and other staff members appointed by the Director General.
- d. If the staff member is not satisfied with the decision to leave the evaluation as is, he may request reconsideration of the evaluation by submitting a memorandum to the Director of DHR within twenty working days following receipt of the notification to leave it as is. The Director of DHR shall immediately transmit the request to ERC for its reconsideration and evaluation.
- e. The provisions on hearing and reconsideration established in Chapter X of these Staff Rules are not applicable for challenging an evaluation. Rather, the first revision by DHR described in section b. above is the hearing required under Article 65 of the RPDG; the reconsideration undertaken by the ERC, together with the final decision of the Director General provided for under this Rule, is the reconsideration established under Articles 66-67 of the RPDG.

SECTION ANALYSIS

The text of this proposed rule is entirely new. The purpose of this Rule is to streamline the internal grievance process for considering and reconsidering challenges to evaluations. The rules of the Institute provide each staff member with the right to a hearing, and then reconsideration, of any personnel decision affecting their interest, and the annual evaluation is one such decision. The evaluation process also guarantees each staff member the right to a two-step review. Without this rule, each complaint about an evaluation would have to pass through four levels of review before being eligible for adjudication in a judicial forum. First it would go to DHR for review, then to the ERC, and then, if the staff member were still unsatisfied, to a hearing and then still another reconsideration by the Reconsideration Committee. That process would be expensive to administer and time consuming -- to the prejudice of both the Institute and the staff member.

This new Rule 5.8.9 would avoid the unnecessary expense of multiple review and accelerate the process by designating the special review process established in the Evaluation System as the hearing and reconsideration required under the RPDG. Inclusion of an appointee of the Staff Association on the ERC satisfies the requirement that a staff member appointed by the Staff Association serve on the Reconsideration Committee.

CHAPTER X DISCIPLINE AND RECONSIDERATION

Current Text

Rule 10.4 Joint Committee on Disciplinary Measures

- 10.4.1 The Director General shall establish an advisory body called the Joint Committee on Disciplinary Measures to advise him on disciplinary measures and their application. (Article 57)
- 10.4.2 The Joint Committee shall be made up of three staff members, as follows:
 - a. A principal member and two alternates to replace the principal member when necessary, designated by the Director General.
 - A principal member and two alternates to replace the principal when necessary, designated by the Staff Association to serve for a period of up to 12 months.
 - c. A principal chairman and two alternates chosen by the Director General, from a list of ten staff members that the Committee on Human Resources (Rule 2.3.1) shall prepare each year in agreement with the Staff Association. If, during the year, any of the persons on the list is unable to serve, replacements shall be selected in the same manner as those on the original list.
- 10.4.3 Members of the Joint Committee shall be eligible for reappointment.
- 10.4.4 The Joint Committee, by majority, may declare that any of its members may not hear a particular matter, if it is deemed advisable in view of the relations existing between the Committee member and the staff member affected, or the nature of the matter under consideration. The Joint Committee may excuse any of its members from hearing a particular matter. In such cases, the Committee member must be replaced by one of his alternates.
- 10.4.5 The principals and alternates appointed in accordance with Rule 10.4.2 (a), (b) and (c)., may be replaced pursuant to the provisions of Rule 10.4.2. If the principals and the alternates of any case cannot serve and must be replaced after the hearing has begun, the hearing shall be terminated and a new hearing process shall begin only after the new Committee member has been appointed under the provisions of Rule 10.4.4.

Proposed Text

Rule 10.4 Joint Committee on Disciplinary Measures

- 10.4.1 The Director General shall establish an advisory body called the Joint Committee on Disciplinary Measures to advise him on disciplinary measures and their application. (Article 57)
- 10.4.2 The Joint Committee shall be made up of three staff members, as follows:
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 - e. A principal chairman and two alternates chosen by the Director General, from a list of ten staff members that the Committee on Human Resources (Rule 2.3.1) shall prepare each year in agreement with the Staff Association. If, during the year, any of the persons on the list is unable to serve, replacements shall be selected in the same manner as those on the original list.
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- 10.4.5 The principals and alternates appointed in accordance with Rule 10.4.2 (a), (b) and (c)., may be replaced pursuant to the provisions of Rule 10.4.2. If the principals and the alternates of any case cannot serve and must be replaced after the hearing has begun, the hearing shall be terminated and a new hearing process shall begin only after the new Committee member has been appointed under the provisions of Rule 10.4.4.

- 10.4.1 The Joint Committee on Disciplinary Measures required under Article 57 of the RPDG is the Human Resources Advisory Committee established under Rule 1.3 of these Staff Rules. The Committee's recommendations to the Director General are purely advisory.
- 10.4.2 The references to the Joint Disciplinary Committee contained in these Staff
 Rules and other norms of the Institute refer and apply to the Human
 Resources Advisory Committee in its exercise of its disciplinary functions

SECTION ANALYSIS

The text of this proposed rule is entirely new. The modifications to this Rule are intended to conform it to the decision to create the HRAC. The Institute no longer has the resources for a multitude of different committees to deal with human resources issues. The decision to use the HRAC as a disciplinary committee obviates the need for the detailed provisions in the present version of Staff Rule 10.4 on Committee selection, replacement, and procedures.

CHAPTER X DISCIPLINE AND RECONSIDERATION

Current Text Proposed Text

Rule 10.7 Joint Advisory Committee on Reconsideration

- 10.7.1 When a case is presented to the Director General for reconsideration, the Director General shall establish an advisory body called the Joint Advisory Committee on Reconsideration, to advise him on reviewing the case, in accordance with Rule 10.5.1. (Article 67)
- 10.7.2 The Joint Advisory Committee on Reconsideration shall be made up of three members, as follows:
 - a. A principal member and two alternates to replace the principal member when necessary, designated by the Director General.
 - b. A principal member and two alternates to replace the principal when necessary, designated by the Staff Association.
 - c. A principal Chairman selected for each case by the Director General, from a list of ten staff members that shall be prepared each year by the Advisory Committee on Human Resources in agreement with the Staff Association. (Staff Rule 2.3.1)

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- 0.7.2 The Joint Advisory Committee on Reconsideration shall be made up of three members, as follows:
 - a. A principal member and two alternates to replace the principal member when necessary, designated by the Director General.
 - b. A principal member and two alternates to replace the principal when necessary, designated by the Staff Association.
 - c. A principal Chairman selected for each case by the Director General, from a list of ten staff members that shall be prepared each year by the Advisory Committee on Human Resources in agreement with the Staff Association. (Staff Rule 2.3.1)
- 10.7.1 The Joint Advisory Committee on Reconsideration required under Article 67 of the RPDG is the Human Resources Advisory Committee established under Rule 1.3 of these Staff Rules. The Committee's recommendations to the Director General are purely advisory.
- 10.7.2 The references to the Joint Advisory Committee on Reconsideration contained in these Staff Rules and other norms of the Institute refer and apply to the Human Resources Advisory Committee in its exercise of its reconsideration functions.
- 10.7.3 At the request of the interested staff member, a member of the Joint Advisory Committee on Reconsideration who, as a member of the Human Resources Advisory Committee, previously advised on the matter under reconsideration, shall be replaced by another to avoid possible conflicts of interest.

SECTION ANALYSIS

The text of this proposed rule is entirely new. The modifications to this Rule are intended to conform it to the decision to create the HRAC. The Institute no longer has the resources for a multitude of different committees to deal with human resources issues. The decision to use the HRAC as a reconsideration committee obviates the need for the detailed provisions in the present version of Staff Rule 10.7 on Committee selection, replacement, and procedures. The purpose of Rule 10.7.3 is to guard against possible conflicts of interest.

> 14 05/07/2004

APPENDIX

	Current Text	Proposed Text
Definitions		Glossary
		New
		RPDG: is the abbreviation for Rules of Procedure of the General Directorate
		Remuneration System: is the document entitled System for the Determination of Remuneration of IICA Personnel
		Years of service: means time of service as a staff member of the Institute. It does not include, inter alia, service as a consultant, as another type of independent contractor, or as an employee or agent of another independent contractor serving the Institute

SECTION ANALYSIS

The purpose of these additional definitions is to facilitate a uniform application and interpretation of the Staff Rules. The reason the adjective "continuous" is not used in the definition of years of service, is because under some rules all years of service as staff members, including those that are not continuous, are taken into account.