



EXECUTIVE COMMITTEE

Twentieth Regular Meeting
San Jose, Costa Rica
1-3 November 2000

**AMENDMENTS TO THE STAFF AND FINANCIAL RULES,
AND TO THE RULES OF PROCEDURE OF THE GENERAL DIRECTORATE
AND THE EXECUTIVE COMMITTEE**

IICA/CE/Doc.374(00)
5 September 2000
Original: Spanish

RULES OF PROCEDURE OF THE GENERAL DIRECTORATE

CHAPTER III PERSONNEL

Current Text

Article 14.

b. LOCAL PROFESSIONAL: specialists with professional degrees, associated with the Institute by a work contract that are in accordance with labor laws and practices of the countries in which they provide their service, and with all pertinent stipulations of Institute Rules of Procedure and regulations which do not contradict local laws and practices. (October 1983)

Proposed Text

Article 14.

b. LOCAL PROFESSIONAL: are specialists hired locally not subject to lengthy transfers to or assignments at a duty station in a country other than the one in which they were hired. These staff members have professional degrees and are associated with the Institute by a work contract in accordance with labor laws and practices of the country in which they provide services. Their labor relations are also covered by all pertinent stipulations of the Institute's Rules of Procedure and regulations which 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.

c. GENERAL SERVICES: persons performing tasks for which specific technical training may or may not be necessary, but do not necessarily require a professional degree, hired locally to perform functions of an administrative nature or to provide secretarial or auxiliary services. They shall be hired in accordance with the labor laws and practices of the countries in which they provide their services, and with all pertinent stipulations of Institute Rules of Procedure and regulations which do not contradict local laws and practices. (October 1983)

c. 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.

It is proposed that Rule 4 b) and c) be amended because, as a result of the modernization of the Institute, Local Personnel are being required to perform support functions involving greater responsibility away from their duty stations.

NOTE: Current text that has been struck out is to be deleted or changed; underlined proposed text is new language.

RULES OF PROCEDURE OF THE GENERAL DIRECTORATE

**CHAPTER III
PERSONNEL**

Current Text

Article 14.a.

- ii. TEMPORARY - persons with contracts for a fixed term of up to two years and renewable for successive of up to two years each. Although a temporary appointment is renewable, it carries no right to renewal. (October 1986)

Article 14.a.

TEMPORARY: Appointed for fixed periods of up to two years. Fixed term contracts of temporary personnel may be renewed for additional periods of up to two years, depending on the performance of the official, the needs of the Institute and the availability of funds. This does not imply any automatic right to renewal. A contract that has not been renewed through a document duly authorized by the Director General and signed by the Director of Human Resources, shall expire automatically without previous notification or compensation on the date indicated in same.

The language of Article 14.a.ii is changed to bring it into line with amendments proposed to Article 1.5.b of the Staff Rules, with refers to types of personnel.

NOTE: Current text that has been struck out is to be deleted or changed; underlined proposed text is new language.

STAFF RULES

CHAPTER I
ORGANIZATION OF PERSONNEL

Current Text Proposed Text

Becomes:

Rule 1.5 Types of Personnel

Rule 1.5 Types of Personnel

1.5.1 International Professional Personnel

1.5.1 International Professional Personnel

- b. Temporary Personnel: Appointed for fixed periods of up to two years. Fixed term contracts of temporary personnel may be renewed for additional periods of up to two years each; however, there is no right to renewal. (Article 12.a.ii)

- b. Temporary Personnel: Appointed for fixed periods of up to two years. Fixed term contracts of temporary personnel may be renewed for additional periods of up to two years, depending on the performance of the employee, the needs of the Institute and the availability of funds. This does not imply any automatic right to renewal. A contract that has not been renewed through a document duly authorized by the Director General and signed by the Director of Human Resources, shall expire automatically without previous notification or compensation on the date indicated in same. (Article 14.a.ii)

It is proposed that the language of Rule 1.5.1 (b) be changed to bring it into line with amendments proposed to Article 14.a.ii of the Rules of Procedure of the General Directorate, which refers to types of personnel.

STAFF RULES

CHAPTER I ORGANIZATION OF PERSONNEL

Current Text

Proposed Text

Rule 1.5 Types of Personnel

Rule 1.5 Types of Personnel

1.5.2 Local Personnel

1.5.2 Local Personnel

a. Local Professional Personnel: are specialists hired locally and not subject to international assignment, with professional degrees, associated with the Institute by a work contract in accordance with labor laws and practices of the country in which they provide services. Their labor relations are also covered by all pertinent stipulations of the Institute's Rules of Procedure and regulations which do not contradict these local labor laws or practices. 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. (Article 12.b.)

a. Local Professional Personnel: are specialists hired locally not subject to lengthy transfers to or assignments at a duty station in a country other than the one in which they were hired; with professional degrees, associated with the Institute by a work contract in accordance with labor laws and practices of the country in which they provide services. Their labor relations are also covered by all pertinent stipulations of the Institute's Rules of Procedure and regulations which 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. (Article 14.b.)

b. General Services Personnel: 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 to perform functions of an administrative nature or to provide secretarial and auxiliary services. These staff members are hired in accordance with labor laws and practices in the countries in which they provide their services. 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 or practices. 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 (Article 12.c.).

b. General Services Personnel: perform tasks for which specific technical training may or may not be necessary, but do not necessarily require a professional degree; 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 (Article 14.c.).

It is proposed that Rule 1.5.2 a) and b) be modified because, as a result of the modernization of the Institute, Local Personnel are performing support functions involving greater responsibility away from their duty stations.

STAFF RULES

CHAPTER II
RECRUITMENT, SELECTION AND APPOINTMENT OF STAFF

Current Text

2.2.2 Regular international appointments shall be made through a selection process open to all qualified staff members, in which the candidates are evaluated on the criteria set out in Articles 12.a, 14, 36 and 39 of the Rule of Procedure of the General Directorate, including competence, efficiency, experience, and integrity. All interested staff members shall have an equal opportunity to apply.

Proposed Text

Deleted

It is proposed that this rule be deleted since appointments of Regular International Professional Personnel were eliminated at the Ninth IABA (IICA/JIA/Res.310(X-O/97)).

STAFF RULES

CHAPTER II
RECRUITMENT, SELECTION AND APPOINTMENT OF STAFF

Current Text

Rule 2.12 Conversion of Appointment

2.12.1 ~~When a temporary or trust international professional staff member becomes a regular international Professional Staff member, he will not have the right to reappointment under his original trust or temporary appointment if he is hired to a new duty station under the terms of his new appointment. The terms of his new regular appointment will supersede the terms of his original appointment.~~

Deleted.

Proposed Text

It is proposed that this rule be deleted since appointments of Regular International Professional Personnel were eliminated at the Ninth IABA (IC/A/JIA/Res.310(X-0/97)).

STAFF RULES

CHAPTER V
CHANGE IN STATUS AND PERFORMANCE OF DUTIES

Current Text

Rule 5.8 Performance Appraisal

5.8.3 The appraisals will serve as a basis for ~~salary increases for merit, for~~ granting merit increases and as an ~~promotion, and for reassignment.~~ integral part of the recruitment and selection process.

Proposed Text

Rule 5.8 Performance Appraisal

The purpose of this change is to clarify rule 5.8.3. Evaluations should not be viewed as a means of increasing salaries, but rather as a tool that can help us to take corrective measures or reward outstanding performance.

STAFF RULES

CHAPTER X
DISCIPLINE AND RECONSIDERATION

Current Text	Proposed Text
Rule 10.2 Disciplinary Measures for Local Professional and General Services Personnel	Disciplinary Measures for Local Professional and General Services Personnel

Disciplinary measures for Local Professional and General Services personnel will be applied on the basis of local labor laws and provisions, on the internal labor code and the Basic Agreements between the Institute and the Member States.

Disciplinary measures for Local Professional and General Services personnel will be applied on the basis of local labor laws, the Staff Rules and the Basic Agreements between the Institute and the Member States. In accordance with the foregoing, personnel in this category may not seek recourse before the Administrative Tribunal of the OAS without the express, written permission of the Director General.

Pursuant to the Rules of Procedure of the General Directorate, local personnel are individuals who perform tasks under a contract in accordance with the labor laws of the country in which they provide their services, and are therefore not covered by the rules of the Administrative Tribunal of the OAS.

STAFF RULES

CHAPTER X DISCIPLINE AND RECONSIDERATION

Current Text

Rule 10.3.5 A request for a hearing on an administrative measure affecting a staff member's interests must be filed with the Director General within twenty-one working days following the date on which the staff member requesting the hearing first received notice of that measure; must be in writing; and must contain an explanation of why he considers the measure inappropriate. The date on which a staff member receives such notice shall be deemed to be the date stated on the official document implementing the measure, unless the staff member can prove otherwise. International Professional staff members must exhaust the hearing process in accordance with this Rule in order to satisfy the requirements referenced in Article VI.1 (a) of the Statute of the Administrative Tribunal and the corresponding provisions of the Agreement between IICA and the OAS General Secretariat on the Tribunal's jurisdiction. Failure to do so will result in the loss of the right to seek recourse before the tribunal. Similarly, a local staff member seeking recourse before the tribunals of the country of the duty station to which he is assigned must first exhaust the hearing process under this Rule prior to pursuing his claim in those tribunals, provided, however, that the requirement is not in conflict with the labor laws of the country of his duty station.

Proposed Text

Rule 10.3.5 A request for a hearing on an administrative measure affecting a staff member's interests must be filed with the Director General within twenty-one working days following the date on which the staff member requesting the hearing first received notice of that measure; must be in writing; and must contain an explanation of why he considers the measure inappropriate. The date on which a staff member receives such notice shall be deemed to be the date stated on the official document implementing the measure, unless the staff member can prove otherwise. The hearing referred to in this Article is a procedure that must be exhausted before initiating the reconsideration process under Article 10.6 of these Rules and in accordance with the meaning of Article VI.1(a) of the Statute of the Administrative Tribunal; otherwise, as specified in that Article, the right to seek recourse before the Administrative Tribunal with regard to the matter shall be revoked. International Professional staff members must exhaust the hearing process in accordance with this Rule in order to satisfy the requirements referenced in Article VI.1 (a) of the Statute of the Administrative Tribunal and the corresponding provisions of the Agreement between IICA and the OAS General Secretariat on the Tribunal's jurisdiction. Failure to do so will result in the loss of the right to seek recourse before the tribunal. Similarly, a local staff member seeking recourse before the tribunals of the country of the duty station to which he is assigned must first exhaust the hearing process under this Rule prior to pursuing his claim in those tribunals, provided, however, that the requirement is not in conflict with the labor laws of the country of his duty station.

Rule 10.3.6 Within the 30 working days following the date on which the affected staff member has presented his request in writing, the Director General shall make the decision to confirm the measure, modify it, or render it void. The decision shall be communicated in writing to the interested party within the following 20 working days. If the staff person has not been notified of the decision within 50 working days after having presented his written request, the hearing process shall be considered exhausted.

Because this Rule has long proved to be a source of confusion, it is proposed that Rule 10.3.5 be amended and that 10.3.6 be created to clarify what procedures must be followed before having recourse to the Administrative Tribunal of the OAS.

Rule 10.6 Reconsideration

If a staff member claims that a decision taken by the Director General in accordance with Rules 10.1.2, 10.1.3 and 10.3.1, or any other administrative measures that may have affected his interests, constitutes noncompliance with the conditions of his appointment or of any pertinent provision of the Rules of Procedure of the General Directorate or of the Staff Rules, he may present a written request for reconsideration, explaining his reasons to the Director General, within twenty-one working days following the day on which he received notification of the decision being questioned. International Professional staff members must exhaust the requirements referenced in Article VI.1 (a) of the Statute of the Administrative Tribunal and the corresponding provisions of the Agreement between IICA and the OAS General Secretariat on the Tribunal's jurisdiction. Failure to do so will result in the loss of the right to seek recourse before the Tribunal. Similarly, a local staff member seeking recourse before the tribunals of the country of the duty station to which he is assigned, must first exhaust the reconsideration process under this Rule prior to pursuing his claim in those tribunals, provided, however, that this requirement is not inconsistent with the labor laws of the country of his duty station. (Article 60)

Rule 10.6 Reconsideration

If a staff member claims that a decision taken by the Director General in accordance with Rules 10.1.2, 10.1.3 and 10.3.1, or any other administrative measures that may have affected his interests, constitutes noncompliance with the conditions of his appointment or of any pertinent provision of the Rules of Procedure of the General Directorate or of the Staff Rules, he may present a written request for reconsideration, explaining his reasons to the Director General, within twenty-one working days following the day on which he received notification of the decision being questioned. International Professional staff members must exhaust the reconsideration process in accordance with this Rule in order to satisfy the requirements referenced in Article VI.1 (a) of the Statute of the Administrative Tribunal and the corresponding provisions of the Agreement between IICA and the OAS General Secretariat on the Tribunal's jurisdiction. Failure to do so will result in the loss of the right to seek recourse before the Tribunal. Similarly, a local staff member seeking recourse before the tribunals of the country of the duty station to which he is assigned, must first exhaust the reconsideration process under this Rule prior to pursuing his claim in those tribunals, provided, however, that this requirement is not inconsistent with the labor laws of the country of his duty station. Local staff members may not seek recourse before the Administrative Tribunal of the OAS, without the express, written permission of the Director General. (Article 66)

Amendments are proposed to Rule 10.6 to clarify the order of internal due process with regard to claims by staff members, before such claims can be presented to the Administrative Tribunal of the OAS, in the case of International Professional Personnel, or to a local tribunal in the case of local personnel. The text clarifies that there are two previous steps: the hearing and the reconsideration. The hearing takes place before reconsideration and a staff member may not proceed to reconsideration unless he/she has first exhausted the hearing process. In addition, it reiterates what is established clearly in the agreement between the General Secretariat of the OAS and IICA regarding the jurisdiction of the Administrative Tribunal. In other words, the jurisdiction of the Tribunal does not extend to conflicts between local IICA staff members and the Institute.

**CHAPTER X
DISCIPLINE AND RECONSIDERATION**

Current Text

Proposed Text

New

Rule 10.10 Sexual Harassment

- a. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment or creates an intimidating, hostile, or offensive work environment. It is particularly serious when engaged in by an official who is in a position to influence career or employment conditions (including hiring, assignment, contract renewal, performance evaluation or promotion) of the recipient of such behavior. When any unwanted, unwelcome, or unsolicited sexual conduct in or related to the workplace is imposed on a person who regards it as offensive or undesirable, it is sexual harassment.
- b. The General Directorate recognizes the right of every staff member and independent contractor of the Institute to work in an environment which is free of sexual harassment.
- c. No staff member, consultant or other contractor may sexually harass another staff member, consultant or contractor, nor any visitor to IICA's premises. Sexual harassment is an unacceptable form of behavior and will not be tolerated within the Institute or in relation to the activities derived from the position held by a staff member.
- d. The Institute, through the Directorate of Human Resources, shall deal in a timely and serious manner with any claim regarding sexual harassment stemming from the performance of IICA activities.
- e. All supervisors, staff members and independent contractors shall comply with the Institute's policy regarding sexual harassment, as established in its rules and regulations.
- f. Any violation of the Institute's policy and rules governing sexual harassment may result in the application of the disciplinary measures set forth in this chapter. The Institute may terminate the contracts of consultants and independent contractors who violate this policy and the corresponding rules.
- g. The Institute shall afford due protection to complainants and any other person who provides truthful information or reliable evidence concerning the case, and shall ensure that reprisals are not taken by individuals affected by a complaint. Nonetheless, complaints that are not based on true facts and that have been presented for inappropriate reasons shall not be tolerated and may be sanctioned in accordance with the provisions on discipline contained in these Rules.

As proposed by the member countries, and in order to be consistent with the regulations of other international organizations, this new rule is included which prohibits sexual harassment of any member of the Institute. As in the case of the OAS General Secretariat's policy on this matter, the policy of the General Directorate protects the rights of persons accused falsely, or in bad faith, as well as those who suffer harassment.

RULES FOR THE CLASSIFICATION OF IICA PERSONNEL.

CATEGORIES D-1 AND D-2

Current Text

Categories D-1 and D-2 are reserved for "positions of trust" and are therefore not categories of the "classification of personnel."

Proposed Text

Categories D-1 and D-2 are reserved for "positions of trust" and are therefore not categories of the "classification of personnel." In view of the fact that these are trust positions, they shall be classified in accordance with the system of the International Civil Service Commission (ICSC) until such time as IICA's classification standards are amended.

Pursuant to the recommendations in the report by Dr. Paul Belanga (consultant hired at the request of the Permanent Representative of the United States of America to the Organization of American States (OAS) to conduct a study of the classification and remuneration system of International Professional Personnel), it is proposed that the classification standards of the International Civil Service Commission (ICSC) be adapted to the Personnel Classification System.

The standards of the ICSC will used to classify categories D-1 and D-2 (positions of trust) until ICSC standards are adapted to the specific needs of IICA.

SYSTEM FOR THE DETERMINATION OF REMUNERATION FOR IICA PERSONNEL

	Current Text	Proposed Text
2. Merit System	<p>An effective personnel salary system must be accompanied by a merit system that rewards above average performance and self-development on the part of the individual. An objective and equitable merit system requires careful management and monitoring. It must screen out the indiscriminate enthusiasm or personal bias of supervisors, and it must be perceived as fair by all staff members. The proposed remuneration system has identified a fixed amount that would be awarded on the basis of merit. The importance of this proposal is that it offers an incentive for the more serious and skilled staff members to keep improving their performance and provides the Institute with a means of rewarding them other than by promotion.</p> <p>The merit system shall be for recognition of performance at levels above the level of satisfactory. No increase shall be granted for levels of performance at the acceptable level or below.</p> <p>Staff members will be eligible to progress from steps 1 to 20, in each grade level shown on the salary schedule, with the combination of seniority and satisfactory performance. Depending on their level of performance, staff members will be eligible for up to two steps every two years. The determination as to whether or not a staff member should receive an increase, and the number of steps to be granted, will be made through the performance appraisal system.</p>	<p>An effective personnel salary system must be accompanied by a merit system that rewards above average performance and self-development on the part of the individual. An objective and equitable merit system requires careful management and monitoring. It must screen out the indiscriminate enthusiasm or personal bias of supervisors, and it must be perceived as fair by all staff members. The importance of this proposal is that it offers an incentive for the more serious and skilled staff members to keep improving their performance and provides the Institute with a means of rewarding them other than by promotion.</p> <p>The merit system shall be for recognition of performance at levels above the level of satisfactory. No increase shall be granted for levels of performance at the acceptable level or below.</p>

Performance appraisal should not be viewed as a means of increasing salaries, but rather as a tool that can help us take corrective measures or recognize the merits of outstanding performance.

MODIFICATION TO THE FINANCIAL RULES

CURRENT

RULE 2.14

DISBURSEMENTS

Article 80 of the Rules of Procedure of the General Directorate establishes the following:

Appropriations shall be available to meet the payment of all obligations incurred during the fiscal year for which they were approved.

~~They shall also be available to pay those obligations approved before the closing date of the fiscal year but which are carried over for payment in subsequent years. Such appropriations shall remain available for these purposes up to two years after the closing date of the fiscal year in which an obligation was incurred and approved. At the end of that time, the appropriations shall expire and all remaining obligations shall be debited and the associated funds transferred to the Working Subfund of the Regular Fund as uncommitted (October 1985)~~

~~For the purpose of this article, obligations shall be understood as those emanating from any agreement, contract, purchase order, or other document that enters into force prior to the close of fiscal year and by which the Institute commits itself to make the corresponding expenditures.~~

~~Payment of Institute obligations shall be made in accordance with the terms of the approved Program Budget and Plans of Operations and with the terms of appropriate supporting documentation, duly processed and approved by authorized staff member, as stipulated in the above Article.~~

~~Advantage shall be taken of all time discounts offered by vendors by making payments within the quoted time limits.~~

Justification: Most obligations are executed during the period of one year, the purpose of this amendment is to bring the rule into line with the true situation.

NOTE: Underlined text is new; text that is struck out is to be deleted.

PROPOSED

RULE 2.14

DISBURSEMENTS

Article 80 of the Rules of Procedure of the General Directorate establishes the following:

Appropriations shall be available to meet the payment of all obligations incurred during the fiscal year for which they were approved.

In the case where obligations charged to the regular fund are contracted before the closing of the fiscal year, such resources shall remain available during the following year. Allocations and the corresponding obligations not executed by the end of that period shall become null and void.

For the purpose of this article, obligations shall be understood as those emanating from any agreement, contract, purchase order, or other document that enters into force prior to the close of fiscal year and by which the Institute commits itself to make the corresponding expenditures.

Payment of Institute obligations shall be made in accordance with the terms of the approved Program Budget and Plans of Operations and with the terms of appropriate supporting documentation, duly processed and approved by authorized staff members.

Advantage shall be taken of all time discounts offered by suppliers by making payments within the quoted time limits.

MODIFICATIONS TO THE RULES OF PROCEDURE OF THE GENERAL DIRECTORATE
(FINANCIAL MATTERS)

CURRENT

CHAPTER IV
ARTICLE 80

Appropriations shall be available to meet the payment of all obligations incurred during the fiscal year for which they were approved.

PROPOSED

CHAPTER IV
ARTICLE 80

Appropriations shall be available to meet the payment of all obligations incurred during the fiscal year for which they were approved.

~~They shall also be available to pay those obligations approved before the closing date of the fiscal year but which are carried over for payment in subsequent years. Such appropriations shall remain available for these purposes up to two years after the closing date of the fiscal year in which an obligation was incurred and approved. At the end of that time, the appropriations shall expire and all remaining obligations shall be debilitated and the associated funds transferred to the Working Subfund of the Regular Fund as uncommitted (October 1985).~~

In the case where obligations charged to the regular fund are contracted before the closing of the fiscal year, such resources shall remain available during the following year. Allocations and the corresponding obligations not executed by the end of that period shall become null and void.

For the purpose of this article, obligations shall be understood as those emanating from any agreement, contract, purchase order, or other document that enter into force prior to the close of fiscal year and by which the Institute commits itself to make the corresponding expenditures.

For the purpose of this article, obligations shall be understood as those emanating from any agreement, contract, purchase order, or other document that enter into force prior to the close of fiscal year and by which the Institute commits itself to make the corresponding expenditures.

Justification: Most obligations are executed during the period of one year, the purpose of this amendment is to bring the rule into line with the true situation.

NOTE: Underlined text is new; text that is struck out is to be deleted.