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PERMANENT REPRESENTATIVES COMMITTEE
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PRC/2(XX)a

**REPORT OF THE MEETING OF THE PRC SUB-COMMITTEE
ON ADMINISTRATIVE, BUDGETARY AND FINANCIAL MATTERS
ON
THE REVIEW AND FINALIZATION OF THE
DRAFT AFRICAN UNION STAFF REGULATIONS AND RULES**

**REPORT OF THE MEETING OF THE PRC SUB-COMMITTEE ON ADMINISTRATIVE,
BUDGETARY AND FINANCIAL MATTERS – CONSIDERATION OF THE DRAFT
AFRICAN UNION STAFF REGULATIONS AND RULES**

BACKGROUND

1. It is to be noted that in 2008, the Commission set up a Task Force to review the 1989 OAU Staff Rules and Regulations which resulted in the production of a draft African Union Staff Regulation and Rules. The document was partly reviewed in Nazareth, Ethiopia during a session of 3 working days by a working group set up by the Permanent Representative Committee.

2. In 2009, the Permanent Representative Committee (PRC) Sub-Committee on Administrative, Budgetary and Financial Matters established a second Working Group of 19 Member States aiming at reviewing the revised draft Staff Regulations and Rules in Nazareth for a period of 5 working days (1st to 5th October 2009). Representatives of the Member States present for that session were Algeria, Cameroun, Cote d'Ivoire, Ethiopia, Equatorial Guinea, Gabon, Kenya, Liberia (Chair), Libya, Malawi, Namibia, Republic of Congo, Sierra Leone, South Africa, Sudan, Togo, Tanzania and Uganda. The delegation of Tunisia was absent. Representatives of the Commission, the Staff Association and Pan-African Parliament participated in the review of document. The Working Group endorsed the amended Draft Staff Regulations and Rules on 10 and 11 December 2009 and the document was presented to the PRC Session of January 2010. The PRC recommended that the PRC Sub Committee on Administrative, Financial and Budgetary Matters should review and finalize the document for submission to the next Executive Council through the PRC in July 2010.

3. In an effort to implement the Decision of the 16th Ordinary Session of the Executive Council of January 2010 (EX.CL/Dec.523(XVI)), the Permanent Representative Committee (PRC) through its Sub-Committee was requested to complete the review and finalization of the Draft African Union Staff Regulations and Rules for submission to and adoption by the next ordinary session of the Assembly through the Executive Council in Kampala, Uganda in July 2010, the PRC Sub-Committee on Administrative, Financial and Budgetary Matters met from 27 April to 18 June 2010.

ATTENDANCE

4. The meetings from 27 April to 18 June 2010 were chaired by the several dignitaries H.E. Dr. Ruben Maye Nsue MANGUE, Ambassador of the Republic of Equatorial Guinea and Chairperson of the PRC Sub-Committee on Administrative, Financial and Budgetary Matters; H.E. Mr. Thomas Kwesi QUARTEY, Ambassador of the Republic of Ghana and 1st Vice-Chairperson; H.E. Mr. Abd-El-Naceur BELAID, Ambassador of the People's Democratic Republic of Algeria and 2nd Vice-Chairperson, and also H.E. Mr. Manyepedza Patrick LESETEDI, Ambassador of the Republic of Botswana and Rapporteur.

5. The following delegations took part in the review and finalization of the Draft African Union Staff Regulations and Rules:

- | | | | |
|-------------------|------------------------|-------------------|------------------|
| 1. Algeria | 11. Dem. Rep. of Congo | 21. Malawi | 31. South Africa |
| 2. Angola | 12. Djiboutie | 22. Mali | 32. Sudan |
| 3. Benin | 13. Egypt | 23. Mauritania | 33. Tanzania |
| 4. Botswana | 14. Ethiopia | 24. Mozambique | 34. Togo |
| 5. Burkina Faso | 15. Gabon | 25. Namibia | 35. Tunisia |
| 6. Burundi | 16. Gambia | 26. Nigeria | 36. Uganda |
| 7. Cameroon | 17. Ghana | 27. Rwanda | 37. Zambia |
| 8. Chad | 18. Kenya | 28. Saharawi Rep. | 38. Zimbabwe |
| 9. Congo Republic | 19. Lesotho | 29. Senegal | |
| 10. Cote d'Ivoire | 20. Libya | 30. Sierra Leone | |

OPENING REMARKS

6. In his opening remarks, the Chairperson of the PRC Sub-Committee on Administrative, Budgetary and Financial Matters - H.E. Dr. Ruben Maye Nsue MANGUE, Ambassador of the Republic of Equatorial Guinea welcomed and thanked all delegations present, representatives of the Commission and that of AUC Staff Association for their participation in the review of this important document. He highlighted that following the review of the draft document by the Commission, the Members of the Bureau met on two occasions to look at the proposed draft. The recommended draft documents in the four AU languages were sent to the Ministry of Foreign Affairs, Ethiopia and Member States Embassies in Addis Ababa on 13 April 2010 vide Note Verbal reference AHRD/4/4022. Member States had been given fourteen (14) calendar days to go through the draft document so as to enable them to contribute effectively in the review and finalization of the Draft African Union Staff Regulations and Rules.

ORGANIZATION OF WORK

7. The Members of the PRC Sub-Committee agreed to work within the following time schedule in their sessions for the months of April and May 2010.

- 10:00 hours to 13:00 hours
- 15:00 hours to 18:00 hours

8. However, in the month of June 2010, the Sub-Committee changed its working schedule from 10:00 hours to 13:00 hours so as to enable the delegations to attend in the afternoon their office activities at their respective embassies.

METHODOLOGY OF WORK

9. On this item, several delegations took the floor and expressed their views on the method of work. For efficiency and effectiveness of the meeting, some delegations were of the view that since the draft documents were discussed thoroughly by a fair representation of all member state regions during the 2009 retreat in Nazareth, only issues of concern to Member States and issues where consensus was not reached shall

be discussed. Others were of the opinion that since not all Member States took part of the working group deliberations; they would rather opt for reviewing the document by chapters and articles and thus providing Member States the opportunity to contribute effectively in the consideration of this document.

10. Following a lengthy debate, the Chairperson drew the attention of the delegations present that the meeting had the required quorum and that the Executive Council had mandated the PRC to review and finalize the document for submission to its next session in Kampala in July 2010. In order to have a balanced approach on the methodology, the Chairperson requested the Commission to provide an update on the document, after which a decision would be taken on the methodology to be adopted for the review of the document.

11. In a nut shell, the Director of Administration and Human Resources Development took the floor and reiterated the fair representation of all member state regions during the 2009 retreat in Nazareth. He mentioned that a full report was submitted up to PRC in January 2010. The revised document with reference Rev1 – April 2010 was the only version that should be used for consideration by the PRC Sub-Committee. He confirmed that the Members of the Bureau met on two occasions with the Commission and looked at the revised version of the document. As a result of their endorsement, authorization was given to the Commission to proceed with the translation of the document and to forward same to Member State Embassies represented in Addis Ababa while giving them a timeframe of fourteen (14) days before convening the PRC Sub-Committee meeting. He then drew the attention of the meeting that in view of the several complaints received on the quality of translation of the document in the various meetings; the Commission had outsourced the revision of the draft document in all languages so as to overcome inconveniences and improve the quality.

12. In brief, the Director of Administration and Human Resources Development threw some light on some of the improvements made in the Draft document related to the following:

- (i) Use of the term “Continuing Regular staff” specified in Regulations 2 and 6.5.1b and Rule 34;
- (ii) Special clause on the appointment of Political (Peace Mission Heads) and Special Appointees (those to serve the Elected Officials) as specified in Rules 9 and 34.5 (a) and (b);
- (iii) Bracketed issue that need consideration by the PRC Sub-Committee related to the African Union Ombudsman, the procedure of his or her appointment and functions as stated in Regulations 11 and detailed in Rule 63.
- (iv) Issues related to outside activities of staff members under Rule 4, 4.2.3 (d) iv as it was a new addition taking into consideration that Privileges and Immunities shall not be abused by staff members in doing outside activities; and

- (v) Improvement of the Rules 70 to 70.2 (c) related to termination of staff members on basis of under-performance where the Appointment, Promotion and Recruitment Board (APROB) shall have the responsibility to consider the performance report and look at an efficiency monitoring mechanism.

13. Following the brief presentation, the Chairperson summarized the consensus reached by the delegations that is to go through the documents chapter by chapter allowing Member States to present their comments and make recommendations while the Commission and the Staff Association shall be given the opportunity to throw some light on questions raised by delegations and clarify issues where required, so as to enable Member States to finalize the review of the documents.

REVIEW AND DELIBERATIONS OF THE DRAFT DOCUMENT

14. Review of the Staff Regulations by the PRC Sub-Committee

a. Contents

The Regulations deal with the basic guiding principle and legal framework under which Officials and Staff Members of the Union shall be operating. The Regulations determine the conditions of service, rights, duties and obligations of all employees of the Union irrespective of their categories and the duration of appointment. The PRC Sub-Committee agreed by consensus that a separate Regulations and Rules for Elected Officials specifying their conditions of services, rights, duties, obligations and benefits shall be developed and presented for consideration at a later stage. To that end, in Regulation 2.3, the PRC Sub-Committee had added in a new sub-paragraph (b) which reads "Where appropriate, these Regulations and Rules shall be applicable to Elected Official until such time a separate document governing the rights and benefits of this category of officials is made available". This section of the Draft Staff Regulations and Rules is made up of 21 pages, divided into sixteen (16) Chapters making a total of thirty-two (32) Regulations. The review of the Regulations by the PRC Sub-Committee was done from 27 April to 4 May 2010.

b. Review and deliberation of the Regulations

Regulations	Comments
Preamble	No amendment was made to the three paragraphs of this sub-section except realigning the cross-references with the appropriate Regulations and Rules.

Regulations	Comments
Chapter I- Definitions	<ul style="list-style-type: none"> i. A new definition “Discharge” was introduced with a view to clarifying the difference between resignation, termination, discharge and dismissal. ii. Most delegations were of the view that the dependent child age shall be reduced to 21 years. However, in the spirit of keeping to the Maputo Decision, the definition of dependent child was re-aligned the Maputo Decision or 21 or 24 where applicable. iii. The definition “Locally Recruited Staff” was amended as presented in the revised draft document which met the expectations of all the members of the PRC Sub-Committee. iv. The definition “Organization” was deleted as there was need to instead refer to the African Union. v. The French texts of the definition “Political Appointee” was to be checked and read “Les Nominés Politiques” vi. The definition “Special Appointee” was amended as presented in the revised draft document
Chapter II – Scope, Purpose and Area of Application	The French texts were to be reviewed and aligned with the English texts. Minor text amendments were done in Regulations 2.3 as presented in the revised draft document were therefore adopted.
Chapter III – Rights, Duties and Obligations	This chapter is divided into five Regulations (3.1 to 3.5) and minor text additions and amendments were made. Special care was requested in the Arabic translation of some of the paragraphs of the Regulations. Regulation 3.2 (b)(iii) was amended with the addition of the Travel Document Policy referred to as annex in Rule 78.1. The amendments as presented in the revised draft document were therefore adopted.
Chapter IV – Classification of Officials and Staff	No amendment was made as presented in the revised draft document.
Chapter V – Salaries and Benefits	Minor text additions were made with special care to the French translation of some paragraphs. The additions as presented in the revised draft document were adopted.
Chapter VI – Appointment and Promotion	This part is divided into 6 Regulations (6.1 to 6.6). Amendments were made as presented in the revised draft document. The Chapter was adopted.
Chapter VII –	No amendment was made as presented in the revised

Regulations	Comments
Staff Leave	draft document and was adopted.
Chapter VIII – Travel and Removal Expenses	No amendment was made as presented in the revised draft document and was therefore adopted.
Chapter IX – Medical Assistance	Minor text additions and amendments were made. Special care was requested in the Arabic and French translations of some of the paragraphs of the Regulation. The amendments as presented in the revised draft document met the expectations of the PRC Sub-Committee and were therefore adopted.
Chapter X – Staff Relations	Minor text additions were made. Special care was requested in the French translation of the Regulation. The amendments as presented in the revised draft document met the expectations of the PRC Sub-Committee and were adopted.
Chapter XI – Personnel Advisory Bodies	The word “Joint” was added to the Advisory Committee on Administrative Policies. Following a lengthy debate, the PRC Sub-Committee agreed, by consensus, to delete the proposal for African Union Ombudsman in Regulation 11(a). The amendments as presented in the revised draft document were therefore adopted.
Chapter XII – Staff Conduct and Discipline	No amendment was made except revision of the Arabic, French and Portuguese translations which required alignment with the English text. As presented in the revised draft document, the Regulation was adopted.
Chapter XIII – Indemnity	No amendment was made as presented in the revised draft document and was therefore adopted.
Chapter XIV - Appeals	Minor text amendments were made. Special care was to be taken in the French translation of the Regulation. The amendments as presented were adopted.
Chapter XV - Separation	Minor text additions were made. Special care was to be taken in the French translations of the term “Discharge”. The additions as presented were therefore adopted.
Chapter XVI – General Provisions	Minor text additions and amendments were made. The Arabic and French texts are to be aligned with the original English Text. The additions and amendments as presented were adopted.

15. **Review of the Staff Rules by the PRC Sub-Committee**

a. Contents

The Rules expand the provisions of what is authorized under the Regulations under which Officials and Staff Members of the Union shall be operating. The Rules follow the same sequence specified under the Regulations. The Rules section of the document is made up of 83 pages, divided into eighteen (18) Chapters making a total of eighty-three (83) Rules. The review of the Rules by the PRC Sub-Committee was done from 10 May to 18 June 2010.

b. Review of the Rules

Rules	Comments
<u>Chapter I: Purpose, Scope and Area of application</u>	
Rule 1: Definition	No amendment was made.
Rule 2: Relations of Staff Rules to Staff Regulations	Amendment was made to the title of the rule as presented in the revised draft document.
Rule 3: Scope of Application	In paragraph (a) the word “employees” was replaced with “Staff Members”. The second sentence of paragraph (d) as well as paragraph (f) was amended as presented in the revised draft document.
<u>Chapter II: Duties, Obligations and Rights</u>	
Rule 4: Duties and Obligations	The Rule was amended with some new additions to improve the flow and accuracy of the provisions. Member States unanimously agreed that staff members shall not offer themselves for elective political post while in active service unless he or she resigns from the Union. Similarly, staff members shall not engage in any activities incompatible with the impartiality required of their international civil servant status. As presented in the revised draft document, the amendments and additions were therefore adopted.
Rule 5: Obligations related to Confidentiality of Information	The original title was amended to reflect the context of the subsequent paragraphs. Paragraph 5.3 was rearranged as 5.2 and

Rules	Comments
	amended to emphasize the confidentiality obligations of staff members after separation from the Union. The amendments as presented in the revised draft document were adopted.
Rule 6: Copyrights, Patent and Other Rights	No amendment was made to this Rule.
Rule 7: Privileges and Immunities	Paragraph 7.2 iii was amended to read “the Vienna Convention on Diplomatic Relations”. As presented in the revised draft document, the amendments were adopted by the PRC Sub-Committee.
Rule 8: Official Travelling Documents	Minor amendment was made to this Rule. Reference of this Rule was made to the Travel Document Policy specified to Rule 78.1.
<u>Chapter III: Classification of Officials and Staff</u>	
Rule 9: Classification of officials and Staff	No amendment was made to this Rule. The French translation of paragraph 9.3A - “Political Appointee” should be checked so as to read “Les Nominés Politiques” and not “Elus Politiques”.
Rule 10: Grades and Steps	Paragraph 10.5 was transferred to the new paragraph 13.7 as it should be part of the Rule under Advancement. Minor amendments were on the new paragraph 10.5 As presented in the revised draft document, the Rule was adopted.
Rule 11: Classification of Posts	No amendment was made to this Rule.
<u>Chapter IV: Remuneration</u>	
Rule 12 (Previous): Additional Benefits of officials of Group I	This Rule was deleted as a separate document would be prepared for Elected Officials where all the benefits, allowances and entitlements shall be stipulated.
New Rule 12: Staff Salaries	Minor amendments were made on paragraphs 12.1, 12.4 and 12.5 as presented in the revised draft document.

Rules	Comments
Rule 13: Annual Salary Increments	The PRC Sub-Committee unanimously agreed to delete the old paragraph 14.4. The previous paragraph 10.5 was transferred to this Rule as paragraph 13.6.
Rule 14: Salary Adjustments on Staff Movements	No amendment was made to this Rule. The French translation of the paragraph 14.2 (iv) required revisiting.
Rule 15: Adjustment of Salary on Promotion	No amendment was made to this Rule.
Rule 16: Salary Deduction	A minor amendment was made on paragraph 16.1 as presented in the revised draft document which would provide a notice to receive responses within 15 calendar days.
Rule 17: Increments Deferred, Withheld or Stopped	No amendment was made to this Rule.
Rule 18: Audit	No amendment was made to this Rule.
Rule 19: Post Adjustment Allowance	An amendment was made to this Rule. Reference was made to the regular approval of the Post Adjustment Allowance by the Executive Council.
Rule 20: Housing Allowance	A minor amendment was made on paragraph 20.6 as presented in the revised draft document.
Rule 21: Non-Resident Allowance	No amendment was made to this Rule
Rule 22: Dependency Related Entitlements	The PRC Sub-Committee agreed, by consensus to keep to the Maputo Decision governing the Child and Education Allowance in terms of eligible age of dependent children based on the date of recruitment of the parent staff member. The amendments were done in line with this decision as presented in the revised draft document.
Rule 23: Travel Related Allowances	Minor amendments were made as presented in the revised draft document.
Rule 24: Other Service Allowance	Minor amendments to the paragraphs related to Overtime Allowance, Acting Allowance and

Rules	Comments
	Training Allowance were made as presented in the revised draft document.
Rule 25: Severance Pay	No amendment was made to this Rule
Rule 26: Salary in Advance and Loans	No amendment was made to this Rule. The French translation of paragraph 26.2A required revisiting.
<u>Chapter V: Recruitment, Appointment, Promotion and Re-employment</u>	
Rule 27: Conditions of Appointment	The Section of the Staff Rules was considered on the 2 nd June 2010. Minor amendments were made and the translations in all other languages shall be required with the view to align the texts with the English version.
Rule 28: Recruitment	The PRC Sub-Committee requested to rearrange the paragraphs so that the terms of sequence, Internal Recruitment is handled before External Recruitment. The minor amendments made as presented in the revised draft document were adopted.
Rule 29: Recruitment of Staff with Family Relations in the Union	Minor amendments were made to this Rule with regards to cross reference with Regulations and Rules. Duplication of texts was noted in the French translation on paragraph 29.3.
Rule 30: Disclosure of Personal Information by Staff Members	A minor amendment was made with the deletion of the last part of the paragraph 30.5.
Rule 31: Letter of Appointment	No amendment was made to this Rule.
Rule 32: Effective Date of Appointment	No amendment was made to this Rule.
Rule 33: Types of Appointment	<p>Amendments were made to the following paragraphs as presented in the revised documents:</p> <p>33.2 Continuing Regular where the cross-reference with Regulations was added;</p> <p>33.3 Fixed Term Appointment / Project</p>

Rules	Comments
	<p>Appointment to read “... for a period not exceeding two years renewable twice up to a maximum of six years..”;</p> <p>33.5 Special Appointees : An additional sentence was added to ensure that this category of staff does not exceed their mandates, carrying out, issue directives nor assume the functions of the Elected official or other Officials of the Department;</p> <p>33.6 Consultancy Appointment, where cross-reference was added;</p> <p>33.10 Re-Application: A new sentence was added to strengthen the existing paragraph so that a staff member who had previously separated from the Union shall be eligible to compete for a new position two grades above his or her separated grade only after a 6 months period of separation.</p>
Rule 34: Advancement and Promotions	Minor amendments were made to the paragraphs 34.2 on Promotions as presented in the revised documents.
Rule 35: Acting Appointment and Officer-in-Charge	Amendments were made to paragraphs 35.1 (a) and (c) and 35.2 (b) so as to keep to the spirit of the Maputo Decision.
<u>Chapter VI: Staff Performance Appraisal</u>	
Rule 36: Staff Performance Appraisal	Minor amendments and additions were made as presented in the revised documents
<u>Chapter VII: Career Development</u>	
Rule 37: Staff Career Development	No amendment was made to this Rule.
<u>Chapter VIII: Staff Leave</u>	
Rule 38: Annual Leave	Amendments and additions were made to the following paragraphs:

Rules	Comments
	<p>38.2 (iii) Staff Members shall be obligated to take a minimum of 10 working days annual leave within the calendar year, failing which the minimum 10 days shall be forfeited without compensation. This was unanimously agreed by the PRC Sub-Committee to ensure that leave is taken by all staff member for resting purpose and ensure high quality performance.</p> <p>38.8 (i) Recall from Annual or Home Leave shall be duly authorized by the Chairperson or the competent authority of any other organ.</p> <p>38.8 (ii) The granting of travel expenses to resume leave after a recall shall only be authorized if the leave balance is not less than ten working days.</p> <p>38.3 (iii) This provision was deleted.</p>
Rule 39: Home Leave	Minor amendments and additions were made as presented in the revised documents.
Rule 40: Special Leave	<p>Amendments and additions were made by the PRC Sub Committee to the following paragraphs:</p> <p>40.2 (b) Social Commitment Leave shall only be related to the wedding of a staff member or his /her child(ren).</p> <p>40.4 (a) (ii) Study Leave With Pay shall be granted to only regular and continuing regular staff Members for a maximum period of six months once every five years of qualifying service.</p> <p>40.4 (d) A new sentence was added to ensure that no external funds shall be received during the training period without authorization of the Chairperson or the competent</p>

Rules	Comments
	<p>authority of any other organ.</p> <p>40.5 (a) French translation to be revised as there was a duplication of sentence in the last part of the provision.</p>
<p>Rule 41: Maternity Leave and Paternity Leave</p>	<p>Amendments and additions were made by the PRC Sub Committee to the following paragraphs:</p> <p>41.1 (a) Maternity leave shall be approved by the Chairperson or the competent authority of any other organ as per the advice of the medical officer. The Maternity was extended to female staff members on probationary period whether continuing regular or regular appointment. However, the PRC Sub-Committee agreed unanimously that in the case maternity leave during probationary period, the probation period shall be extended for similar duration of maternity leave.</p> <p>41.1(b) This provision is new as it extends maternity leave to female short-term contract, project staff and consultants as presented in the revised document.</p> <p>41.2 & 41.3 was transferred from the previous provisions 42.2 and 42.3 as presented in the revised documents.</p> <p>41.4 A new sentence approved by the PRC Sub-Committee was added related to Paternity leave as presented in the revised document.</p> <p>41.5 The second sentence of this provision related to additional maternity leave in cases of child mortality following birth was improved so that the Chairperson or the competent authority of any other organ may authorize paid maternity</p>

Rules	Comments
	leave beyond the four statutory maternity leave benefits.
Rule 42: Sick Leave	<p>42.1 (d) The PRC Sub-Committee agreed to insert a new sentence in this provision so that Sick Leave is not accrued, or converted into annual leave or converted into cash payment as presented in the revised documents.</p> <p>The remaining provisions under this rule were approved by the PRC Sub-Committee without any amendments.</p>
<u>Chapter IX: Medical Assistant Plan And Other Related Benefits</u>	
Rule 43: Medical Assistant Plan and Compensation for Death, Injury, Illness or Disability attributable to Service	<p>The PRC Sub-Committee was not able to reach consensus on paragraph 43.2 (b) and (c) related to payment of grants for the death or permanent disability of staff member while in active service and agreed to bracket the issue for consideration by the PRC.</p> <p>Three options were proposed: (a) To keep the paragraphs as they stand; (b) To pay the deceased's 3 consecutive months gross salary to the beneficiaries; and (c) To delete the grant completely.</p>
Rule 44: Pension	No amendment was made to this rule.
<u>Chapter X: Travels</u>	
Rule 45: Travel Expenses and Authority to Travel	No amendment was made to this rule.
Rule 46: Types of Travel	No amendment was made to this rule. The Arabic translation of this Rule should be thoroughly checked.
Rule 47: Route, Mode and Class of Travel	The previous sub-paragraph (a) and paragraph 48.3 related to the mode of travel of Elected Officials and their eligible dependants were deleted as a separate document shall be prepared to cater for all the benefits of this

Rules	Comments
	category of officials. The remaining provisions were adopted by the PRC Sub-Committee as presented in the revised documents.
<p>Rule 48: Travel and Transportation of Personal Effects</p>	<p>Following extensive debate on this Rule, amendments and additions were made to the following paragraphs:</p> <p>48.1 Travel on initial appointment – The PRC Sub-Committee agreed, by consensus that the Union shall be responsible to obtain quotations and effect payment direct to the shipping company. No option for a lump sum payment in lieu of transportation of household and personal effects, shall be made to the new recruits. One sentence was added referring to the establishment of a Transportation of Personal Effects Policy.</p> <p>48.2 Travel on Transfer – The option for a lump sum payment in lieu of transportation of household and personal effects was deleted</p> <p>48.3 Travel on Separation – The PRC approved the amendments and additions that if a staff member on regular and continuing regular who would have served the Union for more than 5 years shall be entitled to an air tickets for themselves and eligible dependants and benefit from the whole transportation cost paid by the Union. The option for a lump sum payment in lieu of transportation of household and personal effects was deleted.</p> <p>48.4 This new provision is related to staff members on regular contract who would have served the Union between 1 to 5 years shall be entitled to air tickets for themselves and eligible dependants and only 70% of the transportation costs of personal effects.</p>

Rules	Comments
	<p>48.5 This provision is related to those staff members on regular contract who resign from the Union in less than 1 year of service where they shall only be entitled to air tickets for themselves and eligible dependants. No payment of transportation of personal effects shall be made by the Union.</p> <p>48.7 This amended provision related to staff members who are dismissed from the Union, shall only receive a one way economic class air ticket for themselves and eligible dependants. The Union shall not cover the transportation costs of household goods and personal effects.</p> <p>48.9 This new provision was proposed by a delegation related to the local transportation cost for Staff Members serving in their own country outside the city of the duty station on initial recruitment and separation, for themselves and eligible dependants and personal effects to their home area. However, this provision is not the current practice of the Union and will entail high expenditure.</p> <p>No further amendments were made to the rest of the provisions and were therefore adopted as presented in the revised document.</p>
<p>Rule 49: Travel of Eligible Dependants</p>	<p>No amendment was made in this Rule.</p>
<p>Rule 50: Travel Entitlements and Transportation in Case of Death</p>	<p>The title of this rule was improved to read "Travel Expenses and Transportation in Case of Death". Minor amendments and additions were made in paragraphs 50.1 to 50.6 as presented in the revised document. Paragraph 50.7 is a new provision approved on consensus by the PRC Sub-Committee.</p>

Rules	Comments
<u>Chapter XI: Staff Relations</u>	
Rule 51: Staff Association and Related Matters	Minor amendments were made to this rule as presented in the revised document.
Rule 52: Service Recognition Award Scheme	No amendment was made to this Rule.
<u>Chapter XII: Personnel Advisory Bodies</u>	
Rule 53: Composition and Terms of Reference of Personnel Advisory Bodies	No amendment was made to this rule.
Rule 54: Joint Advisory Committee on Administrative Policies	No amendment was made to this Rule.
Rule 55: Appointment, Promotion and Recruitment Board (APROB)	A minor amendment was made as presented in the revised document.
Rule 56: Union Medical Panel	No amendment was made in this Rule.
<u>Chapter XIII: Disciplinary Matters</u>	
Rule 57: Disciplinary Board	<p>Following a lengthy debate on this Rule, the PRC Sub-Committee agreed by consensus that:</p> <ul style="list-style-type: none"> (a) The total number of voting members of the Board shall be five (5), three which shall be appointed by the Chairperson or while two others shall be representative of the Staff Association. One of the appointed member of the Chairperson or competent authority of any other organ shall chair the meeting. (b) The Director of Administration and Human Resources Development shall be a non-Voting Member of the Board. (c) The Legal Counsel or his/her Deputy shall act as resource person to the Board. (d) The Head of Human Resources

Rules	Comments
	<p>Development shall act as Secretary and shall not participate in the deliberation of the Board.</p> <p>(e) A new paragraph 57.2 – Examination and deliberation was created from the previous sub-paragraphs (e), (f) and (g).</p> <p>The other provisions were unchanged and adopted as presented in the revised documents.</p>
Rule 58: Act of Misconduct	Minor amendments were made as presented in the revised document. The French translation of Rule 58.1 shall be revised.
Rule 59: Disciplinary Procedures	Minor amendments were made to this Rule. Arabic translation should be checked for paragraphs 59.2 and 59.5. A new paragraph 59.18 was introduced related to no resignation of staff members while having a pending disciplinary proceeding instituted against the staff.
Rule 60: Criminal Proceedings instituted against a Staff Member outside the Union.	The PRC Sub-Committee was not in a position to obtain a consensus on rule 60.3 related to criminal proceedings instituted against a Staff Member. The issue of suspension, conditions and duration raised lots of debates. The Sub Committee agreed to bracket this provision for the decision of the PRC.
<u>Chapter XIV: Internal Recourse Mechanism</u>	
Rule 61: Administrative and Disciplinary Measures	No amendment was made to this rule.
Previous Rule 63 – African Union Ombudsman	This rule was deleted as it was agreed by consensus to delete same from the Regulations section of the document.
Rule 62: Appeals	Minor amendments were made by the PRC Sub-Committee as presented in the revised document.
Rule 63: Grievance Handling and Procedures	No amendment was made in this Rule.

Rules	Comments
<u>Chapter XV: Correspondence and Personnel Record</u>	
Rule 64: Official Correspondence	No amendment was made to this Rule.
Rule 65: Personnel and Personal Records	No amendment was made to this Rule.
<u>Chapter XVI: Separation from Service</u>	
Rule 66: Types of Separation	No amendment was made to this rule. The French translation of the term "Discharge" shall be verified and amended accordingly.
Rule 67: Resignation	No amendment was made in this Rule.
Rule 68: Termination	Minor amendments were made by the PRC Sub-Committee as presented in the revised document.
Rule 69: Discharge	No amendment was made in this Rule. The French translation required revision
Rule 70: Dismissal	Minor amendments were made to this Rule as presented in the revised documents.
Rule 71: Retirement	No major amendment was made as presented in the revised documents.
Rule 72: Death in Service	No amendment was made as presented in the revised document.
Rule 73: End of Contract	No amendment was made as presented in the revised document.
Rule 74: Financial Obligations and Entitlements	No amendment was made as presented in the revised document.
Rule 75: Financial Entitlements of a Deceased or Permanently Disabled Staff Members	No amendment was made as presented in the revised document.
Rule 76: Certification of Service	No amendment was made as presented in the

Rules	Comments
and Exit Interview Questionnaire	revised document.
Rule 77: Handing Over	No amendment was made as presented in the revised document.
<u>Chapter XVII: Annexes</u>	
Rule 78: Annexes	Minor amendments were made to this rule as presented in the revised documents.
<u>Chapter XVIII: General Provisions</u>	
Rule 79: Liability Insurance	No amendment was made to this rule.
Rule 80: No Smoking	No amendment was made to this rule.
Rule 81: Amendments	No amendment was made to this rule.
Rule 82: Applicability	In line with the debates, the Rule was amended as presented in the revised version
Rule 83: Entry into Force	Minor amendment was made as presented in the revised documents.

BRACKETED ISSUES

16. It is to be noted that the PRC Sub-Committee did not come to consensus on the provisions related to Rule 43.2 (b) and (c) - related to payment of grants for the death or permanent disability of staff member while in active service and Rule 60.3 - Staff member under suspension against which a criminal proceeding outside the Union had been instituted. The PRC Sub-Committee agreed to bracket these provisions for deliberations by the Permanent Representative Committee.

CONCLUDING REMARKS

17. Having completed the revision of the Draft African Union Staff Regulations and Rules, the PRC Sub-Committee met on Wednesday 30 June and Thursday 1st July 2010 to adopt its Report and the amendments as presented in the revised Draft Staff Regulations and Rules

18. In his concluding remarks, the Chairperson of the PRC Sub-Committee - H.E. Mr. Thomas Kwesi QUARTEY, Ambassador of the Republic of Ghana thanked all delegations for their effective and rich contribution in the review and finalization of the Draft African Union Staff Regulations and Rules. He thereafter thanked representatives of the Commission and the AUC Staff Association for their contributions in assisting Member States in finalizing this important document.

19. In the same vein, Members of the PRC Sub-Committee expressed their sincere thanks and gratitude to H.E. Mr. Thomas Kwesi QUARTEY, Ambassador of the Republic of Ghana and Chairperson of the PRC Sub Committee on Administrative, Financial and Budgetary Matters in the manners in which he had chaired the various meetings over the period of 2½ months and his wisdom in facilitating the deliberation of the work.

20. The PRC Sub Committee recommended the Draft African Union Staff Regulations and Rules for adoption and consideration by the Permanent Representative Committee and for onward submission to the forthcoming session of the Executive Council.

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PERMANENT REPRESENTATIVES COMMITTEE
Twentieth Ordinary Session
Addis Ababa, Ethiopia

PRC/2(XX)a
Annex 1

DRAFT
AFRICAN UNION
STAFF REGULATIONS AND RULES

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DRAFT
AFRICAN UNION STAFF REGULATIONS AND RULES

PREAMBLE

The Staff Regulations and Rules define the conditions of service, rights, duties and obligations of the Staff Members of the African Union (Union). These Regulations and Rules shall be interpreted and applied alongside AU relevant Treaties, Decisions, Protocols, Regulations, Rules and Procedures as well as principles of International Law.

Except where otherwise expressly specified, the Regulations and Rules contained herein shall form an integral part of the contract of employment of every staff member, who shall receive a copy upon appointment.

Accordingly, by accepting employment in the Union, every staff member shall be bound by the terms and conditions set out in the Staff Regulations and Rules, and as may be amended from time to time by the decision of the Assembly of the Union or the Executive Council in accordance with Regulation 16.1 and Rule 81.

STAFF REGULATIONS

CHAPTER I

Regulation 1.0

Definitions

In these Regulations and Rules, unless otherwise specifically provided:

“Assembly” means the Assembly of Heads of State and Government of the African Union.

“Beneficiaries” means any person designated in writing by a staff member and in conformity with the prescribed requirements to receive distributable payment or assets on behalf of the said staff member. In a case where no such beneficiary has been designated, payment and/or assets distribution shall be made to persons as defined in the laws of the staff member’s state.

“Calendar days” means consecutive days of the year including weekends.

“Calendar Month” means any period starting from the first day of the month inclusive of public holidays and weekends ending on the 28th, 29th, 30th or the 31st depending on the actual number of days in any given month.

“Calendar year” means any period beginning the 1st January and ending on 31st December of the same year.

“Chairperson”, unless otherwise specified, means the Head of the African Union Commission.

“Commission” means the administrative body of the African Union established pursuant to Articles 7 and 8 of the Statutes of the Commission with the responsibility among other things to implement the collective decisions of the organs of the Union.

“Competent Authority” means any person who lawfully acts on behalf of the Chairperson or the Head of another Union’s Organ.

“Constitutive Act” means the Treaty establishing the African Union.

“Consultant” means any person/firm recruited/appointed for the purpose of providing services on a pre-determined timeframe and upon specific terms and conditions of service for a period not exceeding three months;

“Continuing Regular Staff Member” means staff member in the service of the Union employed before 1987 or those regular staff member who had served the Union for more than five (5) years consecutively.

“Contract” means any employment agreement between the Union and a staff member specifying the duration and the terms and conditions of service.

“Court of Justice and Human Rights” means the Court of Justice and Human Rights of the African Union established under the Statutes of the African Court of Justice and Human Rights adopted by the Eleventh Ordinary Session of the Assembly, held in Sharm El-Sheikh, Egypt, 1st July 2008.

“Dependent Child” means any biological or legally adopted unmarried child of a staff member under 21 or 24 years of age where applicable for whom the staff member provides main and continuous support.

“Dependent Spouse” means any person lawfully married to a staff member and who is not engaged in any gainful employment in which his/her annual earnings are up to the amount necessary to disqualify his/her for spouse allowance.

“Deputy Chairperson”, unless otherwise specified, means the next highest ranking officer to the Chairperson of the Commission as provided for in Article 9 of the Statutes of the Commission.

“Discharge” means a separation of a staff member from the service of the Union by the Chairperson or the competent authority of any other organ as a result of abolition of post, reduction of staff strength or ill health.

“Dismissal” means a separation of a staff member from the service of the Union as a result of gross misconduct.

“Education” shall refer to the general pursuit of knowledge within an educational institution.

“Educational Expenses and costs” means learning expenses and costs incurred to meet the needs of a dependent child as a result of his/her enrolment in an educational or academic institution.

“Elected Official” means any person elected or appointed by the Assembly or the Executive Council to serve in an Organ of the Union;

“Eligible Family Members” means spouse and dependent children of a staff member for whom educational grant, medical services, and travel expenses are provided for by the Union in accordance with the provisions stipulated under the relevant Rules.

“Employee” means any person employed by the Union either on a continuing regular, regular or temporary basis including daily wage workers but excluding consultants.

“Executive Council” means the Executive Council established under Article 5 of the Constitutive Act comprising the Ministers of Foreign Affairs or External Relations of Member States;

“Field Mission Staff” means an employee recruited to work in a field mission on pre-determined terms and conditions of service, for a period not exceeding the duration of the field mission;

“Head of other Organ” means a person who heads an organ of the Union other than the Commission as provided for in Article 5 of the Constitutive Act.

“Home Leave” means leave granted to a staff member every two years to enable him or her and eligible dependents visit their home country or where circumstances do not permit, any other approved destination at the expense of the Union.

“Internationally Recruited Staff” means employee from GSA4 and above recruited from outside his/her home country and who is not a citizen of the country hosting the duty station;

“Locally Recruited Staff” means employee of nationals of all member States recruited strictly on local terms and conditions from within the job market of the duty station or staff working in the duty station in their home country.

“Member States” means the Member States of the Union.

“Mission” means any authorized official travel by a staff member outside his or her duty station in fulfilment of his or her assigned duties with the Union.

“National Professional” means an employee in the professional category serving in his/her own country.

“Officials” means any elected officials or an appointee of an elected official.

“Organs” means the Organs of the Union established under Article 5 of the Constitutive Act or as established by the Assembly of the Union.

“Overtime” means authorized hours a non-exempt staff member worked in excess of his or her 40 hours weekly period.

“Part-time Staff” means an employee recruited to work for less than the required eight (8) hours per working day and/ or 40-hour working per week on specific agreed terms and conditions.

“Personnel” includes all staff members and employees in the service of the Union, unless otherwise clearly stated.

“Political Appointees” are officials appointed by the Chairperson or the competent authority of any other organ such as AU Permanent Representatives/Observers, Special Representatives, Special Envoys and AU Heads of Mission for a duration determined by the Chairperson or the competent authority of any other organ but not more than the elected term of office of the Chairperson or the competent authority of any other organ.

“Physically and/or Mentally Challenged Child” means a child who is unable, by reason of physical or mental disability, to attend a normal educational institution and therefore requires special teaching or training to prepare him or her for full integration into society or, while attending a normal educational institution, requires special teaching or training to assist him or her in overcoming the disability.

“**PRC**” means the Permanent Representatives Committee comprising of Ambassadors or Permanent Representative to the Union and other Plenipotentiaries of Member States, as provided for in Article 5 of the Constitutive Act;

“**Project Staff**” means an employee recruited to work on a specific project on pre-determined terms and conditions of service and for a period not exceeding the duration of the project.

“**Regulations**” means the Staff Regulations approved, and as amended from time to time, by the Assembly of the Union, to govern among other things, the status, appointment and basic conditions of service of the employees of the Union;

“**Rules**” means the Staff Rules approved and as amended from time to time by the Assembly of the Union to supplement the Regulations.

“**Secondary dependent**” means the father and mother of either the staff member or his/her spouse.

“**Secondment**” means the movement of a staff member from a Member State or one Organ of the Union to another or to another institution for a fixed period, during which he or she is paid by, and is subject to the Staff Regulations and Rules of the receiving organization, but retains his or her rights of employment with the releasing Member State or Organ.

“**Seconded**” means any person from a Member State or any organization transferred to the Union to hold a temporary assignment with an Organ of the Union upon an agreed terms and conditions by all the parties concerned.

“**Self-sponsored training**” means a training carried out by a staff member where the expenses of such training are not covered by the Union and/or its partners.

“**Short-term training course**” means a course including seminars, workshops, symposia, study tours, practical attachments and similar educational activities lasting less than three months.

“**Special Appointee**” means any person nominated by an Elected Official and appointed to serve the Union at the discretion of the Elected Official for the duration of his or her term of office.

“**Sponsored training**” means training attended by a staff member sponsored fully by the Union and/or its partners.

“**Staff Development**” refers to any activity directed to the developmental needs of a staff member, including career development/advancement, training, coaching, delegation, workshops and seminars.

“**Staff Member**” means any person employed by the Union as continuing regular, regular, fixed-term or short-term personnel on the basis of a daily wage or monthly salary as provided for in these Regulations and Rules.

“Stopped increment” means suspending salary increase of a staff member for a year and until the next increment earning period.

“Technical Expert” means a person hired to provide specialized technical service on specific terms and conditions within a specified period of time;

“Union” means the African Union established by the Constitutive Act adopted by the Heads of State and Government of the Organization of African Unity in Lomé, Togo, on 11 July 2000.

“Withheld increment” means disqualification of a staff member’s eligibility for salary increase on the due date.

“Working Days” means any day from Monday through Friday excluding Public Holidays;

“Year” means any period of consecutive twelve (12) months unless otherwise specified.

CHAPTER II

SCOPE, PURPOSE AND AREA OF APPLICATION

Regulation 2.1

Scope and Purpose

- (a) These Staff Regulations, drawn pursuant to Article 20 of the Constitutive Act of the African Union, set out the broad human resource policies for the staffing and administration of the Commission and other organs of Union. They address the rights and obligations of the Union as well as embody the terms, conditions of service, basic rights, duties and obligations of all Elected Officials and staff members.
- (b) The basic guiding principle in determining the conditions of service of staff members is the need to secure the highest standards of efficiency, competence, integrity, motivation, and development of staff members to their full potential for the realization of ideals within the objectives of the Union whilst satisfying their legitimate desire for self-realization.

Regulation 2.2

Relation of Staff Regulations to Staff Rules

The Staff Regulations provide the basic principles or template on the relations between employees and the African Union while the Rules provide more detailed and supplementary explanation of the principles contained in the Regulations.

Regulation 2.3

Applicability

- (a) These Regulations shall apply to all employees of the Union, irrespective of their categories and/or duration of their appointments.
- (b) Where appropriate, these Regulations and Rules shall be applicable to Elected Officials until such time a separate document governing the rights and benefits of this category of officials is made available.
- (c) The Conditions of Service for consultants shall be specified in the "Rules Governing the Employment of Consultants and their Contracts". The Conditions of Service of project staff shall be specified in their contracts.

CHAPTER III
RIGHTS, DUTIES AND OBLIGATIONS

Regulation 3.1

Status of Staff Members

(a) All staff members shall hold office by virtue of Article 20.2 of the Constitutive Act and be defined as international civil servants whose rights, and obligations are exclusively governed and determined by these Regulations and Rules along with other relevant administrative rules and international legal instruments.

Regulation 3.2

Rights and Privileges of Staff members

By virtue of their employment, all staff members shall be entitled to the rights, privileges and protections as provided in these Regulations and Rules, Headquarters and Host Agreements as well as other relevant legal instruments.

(a) Rights of Staff Members

The Union shall protect fundamental human rights, dignity, worth and equal rights of all its staff members as set out in these regulations and other legally binding international legal instruments as well as other administrative instruments. No staff member shall be discriminated against in pursuit of his or her career with the Union. It shall be the Union's responsibility to provide assistance, protection and security for its staff members where appropriate against threats, abuse, harassment, violence, assault, insults or defamation to which they may be subjected by reason of, or in connection with, the performance of their duties.

(b) Privileges of Staff Members

- (i) Staff members shall enjoy immunities and privileges as provided for in the relevant international and regional conventions which shall include and not limited to the General Convention on privileges and immunities of the OAU and the Vienna Convention on diplomatic relations.
- (ii) The enjoyment of immunities and privileges shall not exclude staff members from discharging their private obligations or observing the laws and legal authorities / regulations of the host country.
- (iii) The Union shall provide necessary official travel documents to staff members travelling outside their duty stations on official missions as per the Travel Document Policy in Rule 78.1.

- (iv) The Union's institutions shall, where applicable, assume responsibility for any damage resulting from the violation of protected rights of staff members.

Regulation 3.3

Staff Duties and Obligations

- (a) In accepting appointment, every staff member shall pledge to discharge his or her functions and regulate his or her conduct in the best interest of the Union as provided for in these Regulations and Rules.
- (b) Staff members shall uphold the highest standards of efficiency, competence and integrity. They shall, in executing their responsibilities, be guided by probity, impartiality, confidentiality, fairness, honesty and truthfulness. They shall maintain the highest standard of conduct and avoid any action or omission incompatible with the standards of conduct required from them as international civil servants and regulate their private and official activities so as not to adversely affect the interest of the Union.
- (c) In the performance of their official duties, staff members shall neither seek nor accept instructions from the government of any Member State or from any other authority or source external to the Union.
- (d) All rights, including title, copyright and patent rights, in any work or invention produced or developed by a staff member as part of his/her official duties shall be vested in the Union. The Chairperson or the competent authority of any other organ shall decide on the use to be made of these rights.
- (e) Staff members shall, upon their recruitment, undergo medical examination in accordance with the provisions of the Rules.
- (f) Staff members shall exercise utmost discretion with regard to all facts, records and information in any shape or form known to them by virtue of, or in connection with the performance of their duties. Any misuse or unauthorized extraction or destruction of official records, information or documents in any shape or form, is prohibited and subject to disciplinary action.
- (g) Staff Members shall use the property and assets of the Union for official purposes only and shall exercise the greatest care when utilizing such property and assets. A staff member shall not use the name or any abbreviation thereof, emblem or official seal of the Union in any shape or form for his or her personal use or for any other purpose.
- (h) Upon assumption of duty in the Union, all staff members shall take an oath, affirm or subscribe to and sign the declaration as follows:

"I solemnly undertake to exercise in all loyalty, discretion and conscience, the functions and responsibilities entrusted to me as an International Civil Servant

of the African Union and to discharge my functions and to regulate my conduct with only the interests of the Union in view, and not to seek or accept instructions from the Government of any Member State or authority external to the Union”

Regulation 3.4

Union’s Obligations to Staff Members

- (a) The Chairperson or the competent authority of any other organ shall ensure that the provisions relating to the enforcement of, and respect for, the rights and duties of staff members, as set out in the Constitutive Act, the Staff Regulations and Rules and in the relevant Decisions, Declarations and Regulations of the Assembly and Executive Council, are strictly adhered to.
- (b) In administering these Staff Regulations and Rules, the Union’s organs or institutions shall be guided by the principles of justice, equity, transparency and accountability.
- (c) Staff members shall be provided and entrusted with suitable offices, logistics and facilities necessary for the delivery of high quality service.
- (d) The Union’s Organs or Institutions shall continuously strive to build a dedicated, efficient and competent workforce through systematic human resource planning, recruitment, training and development.
- (e) In exercising his or her authority, the Chairperson or the competent authority of any other organ shall ensure that all necessary safety and security arrangements are made for the protection of staff members and the Union premises in collaboration with the authority of the host country.
- (f) The Union shall afford its staff members, where appropriate, every assistance, protection and security against threats, abuse, violence, discrimination, assault, insults or defamation to which they may be subjected by reason of, or in connection with, the performance of their official duties in the Union.

Regulations 3.5

Security and Safety Service

A Union Security and Safety Service shall be established to safeguard premises, properties and staff members of the Union. The Security and Safety Service shall among other things:

- (a) Protect and safeguard the Union premises including the staff members, guests and assets.
- (b) Cooperate with host governments to ensure the protection and security of Union staff members and events.

- (c) Liaise with the host country and international law enforcement organizations and emergency response counterpart in ensuring the adoption of security and safety measures for the Union and its staff members.

CHAPTER IV

CLASSIFICATION OF OFFICIALS AND STAFF

Regulation 4

Classification of Officials and Staff

- (a) In conformity with the general structure of the service adopted by the Assembly and in accordance with the nature of the duties and responsibilities required, officials and staff members shall be classified into the following Groups:
1. Elected Officials (Group I)
 2. Professional Staff (Group II)
 3. Political and Special Appointees (Group III)
 4. General Service Staff (Group IV)
 5. Other category (staff members on Short term Contracts, Field Mission , Project and Consultants)
- (b) The classification of posts shall be based on job profiles and job descriptions.
- (c) Unless otherwise specifically stated, every official and staff member of the Union shall be bound by these Regulations and Rules in the exercise of his or her duty.

CHAPTER V

SALARIES AND BENEFITS

Regulation 5

Salaries, Allowances and other Related Benefits

- (a) Pursuant to the provisions of the Constitutive Act, staff members serving the Union shall be entitled to salary, allowances and other related benefits including dependent benefits as determined by the Executive Council.
- (b) Taking due account of the nature of duties and responsibilities, the Chairperson or the competent authority of any other organ shall:
- i. Propose to the Executive Council, through the PRC for submission to the Assembly, scales of salaries, allowances and benefits of employees of the Union, which shall be reviewed every three (3) years from the date of the previous review.

- ii. The salaries, allowances and other payments of all employees of the Union shall be expressed in United States Dollars or in such other currency as the Assembly or the Executive Council may otherwise decide as per Union's Salary Scale.
- iii. All eligible officials and staff members shall be entitled to retirement pension and shall make their contributions thereto in accordance with the terms and conditions prescribed in these Rules and by Decisions of the Executive Council and the Assembly.

CHAPTER VI

APPOINTMENT AND PROMOTION

Regulation 6.1

Appointing Authorities

- (a) The appointment of staff belonging to Group I and III shall be as follows:
 - (i) **Elected Officials (Group I):** Persons elected by the Assembly and/or the Executive Council, in accordance with the provisions of the Constitutive Act, the Rules of Procedure of the Assembly and the Executive Council as well as the Statutes of the Commission.
 - (ii) **Political and Special Appointees (Group III):** Persons nominated by an Elected Official in accordance with these Regulations and Rules, subject to their meeting the job requirements for such positions. The duration of their nominations shall be within the term of office of the Elected Official.
- (b) The power for the appointment and posting of all the other staff members, their periodic advancement from one step to another in the salary scale as well as their promotion, transfer and release/termination in accordance with these Regulations and Rules shall be vested on the Chairperson or the competent authority of any other organ.
- (c) In exercising his/her authority under Article 6.1(b) of the Regulations, the Chairperson or the competent authority of any other organ shall be advised by the Appointment, Promotion and Recruitment Board (APROB)
- (d) The Chairperson or the competent authority of any other organ or his/ her duly authorized representative shall be obliged to write, sign and issue a letter of appointment before any person takes up appointment with the Union.

Regulation 6.2

Effects of the Staff Regulations and Rules

- (a) Subject to the provisions of Regulation 6.1(b) of these Regulations, all appointments of staff members shall be governed by the provisions of these Regulations and Rules.
- (b) A copy of these Regulations and Rules shall be made available to each staff member together with his or her letter of appointment.
- (c) By accepting the appointment, the staff member shall be bound by the terms and provisions laid down in these Regulations and Rules, and as may be amended from time to time in accordance to Regulation 16.1

Regulation 6.3

Requirements for Appointment

Any person may be appointed to work in the Union upon fulfilling the following conditions that he or she:

- (a) Is a national and a citizen of a Member State of the Union not under Union sanctions as provided for in the Rules;
- (b) Possesses the highest standard of moral conduct and integrity;
- (c) has not been convicted of any serious criminal offence excluding minor traffic offences;
- (d) Has been declared medically fit to hold the post applied for;
- (e) Is between the ages of 21 and 55, except for Elected Officials, Political and Special Appointees to whom the higher age limit is not applicable;
- (f) Meets the skills and other job requirements specified in the Rules, Administrative Notices and job descriptions; and;
- (g) Goes through the laid-down recruitment procedure.

Regulation 6.4

Criteria for Recruitment

- (a) The recruitment process shall be competitive and conducted transparently without any form of discrimination such as and not limited to race, sex, nationality, political affiliation, religion and gender.
- (b) In any recruitment, appointment, transfer and promotion, preference shall be given to persons with the highest standards of efficiency, competence and integrity alongside the need to promote gender balance and equality.
- (c) Due consideration shall also be given to the principle of regional distribution and country quota in the recruitment of Professional category (Group II) staff members as provided for in the Rules.
- (d) Without prejudice to the need for recruitment of fresh talents at all levels, due consideration may be given to persons already in the service of the Union with competent qualification and experience who shall compete for the post through a competitive assessment process.
- (e) Special Appointees, Staff members on short term contracts, Consultants, Field Mission staff and Project staff of the Union shall not automatically be absorbed into the Union either as regular staff or continuing regular staff or any other capacity without going through the recruitment procedure as stipulated in these Regulations and Rules.

Regulation 6.5

Classification of Appointments

6.5.1 The Union shall make the following appointments:

- (a) **Regular Appointment:** These are appointments made in the first instance on a fixed-term contract for a period of three (3) years, the first twelve (12) months of which shall be considered probationary period and thereafter for renewable periods every two years subject to performance.
- (b) **Continuing Regular Appointment:** These are appointments made by the Organization to Staff Members who have satisfactorily completed five (5) years of service as Regular Staff. The Organization shall ensure that the number of Continuing Regular Staff Members shall not exceed fifty-one percent (51%) of the total number of regular staff of the Organization for each staff category taking into account the Staff Member country's quota.
- (c) **Fixed-term Appointment:** These are appointments made for a period not exceeding two years but not less than a year with terms and condition of service specified in their contracts in accordance with AU Policy on recruitment).

- (d) **Short-term Appointment:** These are appointments made for a period not exceeding one year but not less than 3 months with terms and conditions of service specified in their Contracts in accordance with AU Policy on recruitment.
- (e) **Consultancy:** These are contracts for a period not exceeding three (3) months with terms and conditions of services specified in the contracts in accordance with AU Policy on recruitment.
- (f) **Special Services Appointment** These are contracts of a limited duration renewable as and when necessary but not conferring on a staff member any full time commitment during its duration. The terms and conditions of service shall be specified in the Contracts in accordance with AU Policy on recruitment.
- (g) **Political and Special Appointments:** These are appointments made by Elected Officials for a duration not exceeding their term of office. The Political Appointee shall possess adequate knowledge of the working of the Union.

Regulation 6.6

Advancement, Upgrading and Promotion

- (a) Staff members may be entitled to advancement within their grade and promotion to higher grades, in accordance with the conditions specified in Rule 34.
- (b) Advancement of a staff member within the same grade shall be subject to assessment and a satisfactory record of performance.
- (c) Upgrading from one grade to another shall be subject to assessment, and satisfactory performance.
- (d) Promotion of a staff member from one position to another shall be made on the basis of internal competitive processes subject to availability of post.
- (e) Staff members of Group IV (General Service) who have obtained the requisite academic or professional qualifications and experience shall be eligible to compete for a post in Group II category through a competitive assessment process subject to quota allocated to each member state.
- (f) The Chairperson or the competent authority of any other organ shall establish a system of individual records and periodic staff performance assessment in accordance with the terms and conditions laid down in the Rules which shall be used to assess a Staff Member's competence to assume a position.
- (g) The Chairperson or the competent authority of the Union or any other organ shall communicate regularly the list of vacant posts, the corresponding job descriptions and shall inform each Member State of the status of its quota. Such vacancies may also be advertised on the internet and where possible in other public media.

CHAPTER VII

Staff Leave

Regulation 7

Subject to the recruitment category, staff members shall be entitled to Annual Leave, Home Leave, Special Leave, Medical Leave, Maternity Leave and other leave as stipulated in the Rules. No leave shall be valid until it is authorized by the Chairperson or any competent authority of any other organ.

CHAPTER VIII

TRAVEL AND REMOVAL EXPENSES

Regulation 8

- (a) The Union shall pay for travel costs of staff members and their eligible family members travelling on initial appointment from place of residence to the duty station;
- (b) The Union shall pay for travel expenses of staff members travelling on official mission,
- (c) The Union shall pay for travel costs of eligible staff members and family members travelling on home leave; change of duty station; separation from the service; medical evacuation and other travels as may be authorized under the Rules.
- (d) Pursuant to the terms and conditions defined in the Rules, the Union shall pay the cost of removal and transportation of household goods and personal effects of eligible staff members.

CHAPTER IX

MEDICAL ASSISTANCE

Regulation 9

The Union shall provide medical assistance to staff members based on the terms and conditions of their appointment.

- (a) All regular and continuing regular staff members and their eligible dependents shall be entitled to full medical benefits offered by the Union at any duty station in compliance to Medical Assistance Plan as stipulated in Rule 78.1. In a situation where medical facilities and services are not adequate and effective to meet the medical needs of a staff member and his or her eligible dependents at the duty station, the Union shall, upon the recommendation of the AU Medical Panel, evacuate the staff member or eligible dependents to appropriate place where medical facility is available.

- (b) Fixed-term staff members shall receive the same medical benefits as those enjoyed by regular and continuing regular staff members in compliance with the Medical Assistance Plan unless their contracts specifically stated otherwise
- (c) Short-term staff members shall receive medical benefits provided for by the Union at the duty station in accordance with the Medical Assistance Plan unless their contracts specifically stated otherwise. .
- (d) Consultants and contractors for special services shall not be eligible to receive free medical benefits from the Union. Where any staff member under the said category seeks and receives medical services from the Union, the Director of Medical Services shall submit to him or her the proper invoice and the Finance Department or any department in charge of preparing salary payments shall make immediate deduction of incurred expenses from the Consultant's and Contractor's salary.
- (e) Unless otherwise specifically stated in the appointment letter, all staff members on secondment to the Union or who are seconded by the Union shall receive medical services conforming with the classification of their appointments.
- (f) The Union shall provide free medical consultation services to eligible staff members of African Embassies in Ethiopia and their dependents as well as to delegates of Member States attending African Union official meetings
- (g) Notwithstanding the above provisions, the Chairperson or any competent authority of any organ may authorize, in an appointment letter, the receipt of medical benefits to an official or a staff member or, upon receipt of a written request for medical assistance on humanitarian grounds, by a staff member or anyone affiliated with the organization.
- (h) Retirees of the Union shall be entitled to free medical consultation services in AU Medical Centres or approved clinics in their member state home countries.

CHAPTER X

STAFF RELATIONS

Regulation 10

Staff Relations

- (a) The Chairperson or the competent authority of any other organ shall take appropriate steps to establish and maintain a continuous channel of communication with staff members as a means of improving cooperation at work and exchanging of information and ideas for the attainment of the goals and objectives of the Union and promoting harmonious management of staff relations.
- (b) The Union shall promote, observe and defend staff welfare issues.

- (c) Staff members may form and join non-profit and non-political associations, unions or other groupings for the achievement of common objectives provided they do not compromise their position as international civil servants or conflict with the objectives of the Union.
- (d) Staff members shall not discriminate or be discriminated against, on grounds of gender, nationality, race, age, geographical location, colour of skin, and religion or political and economic affiliations or on any other ground.

CHAPTER XI

PERSONNEL ADVISORY BODIES

Regulation 11

Personnel Advisory Bodies

- (a) Pursuant to the authority vested in him or her by these Regulations the Chairperson or the competent authority of any other organ shall set up the following bodies to advise him or her on personnel matters:
 - (i) **A Joint Advisory Committee on Administrative Policies** to advise on personnel policies, proposals for changes in the Staff Regulations and Rules and general conditions of work and welfare of staff members.
 - (ii) An **Appointments, Promotions and Recruitment Board (APROB)** to advise on the recruitment, appointment, promotion and on all matters related to the career of staff members;
 - (iii) A **Medical Panel** to advise on medical matters concerning staff members and their eligible dependents;
 - (iv) A **Disciplinary Board** to advise on disciplinary offences and misconduct committed by staff members.
- (b) The composition and terms of reference of these bodies, provided for in paragraph (a) above shall be defined in the Rules.

CHAPTER XII

STAFF CONDUCT AND DISCIPLINE

Regulation 12

Administrative and Disciplinary Measures

(a) Administrative Measures

The Chairperson or the competent authority of any other organ shall establish a panel to examine and advise him or her on grievances filed by Staff Members.

(b) Disciplinary Measures

- i. The Chairperson or the competent authority of any other organ shall set up a Disciplinary Board to advise him or her on all disciplinary measures to be taken against a staff member.
- ii. The Chairperson or the competent authority of any other organ, on the advice of the Disciplinary Board, may take disciplinary measures against a staff member whose conduct is proved to be in breach of these Regulations and Rules.
- iii. The Chairperson or the competent authority of any other organ may, upon the advice of the Disciplinary Board, dismiss a staff member for gross misconduct.

CHAPTER XIII

Regulation 13

Indemnity

- (a) Any staff member shall be required to indemnify the Union against any loss suffered by it as a result of the Staff Member's gross negligence or as a result of his or her violation of any Regulation, Rule or administrative instructions.
- (b) The Union shall, where appropriate, indemnify a staff member against any loss suffered by him or her in the course of the proper discharge of his or her official duties

CHAPTER XIV

APPEALS

Regulation 14.1

Appeal for Review to the Chairperson or the Competent Authority of any other Organ

Any staff member not satisfied with an administrative or disciplinary decision specifically related to him or her, may file an appeal against such decision as a first step, by addressing a letter to the Chairperson or any competent authority of any organ requesting a review of the administrative or disciplinary decision.

Regulation 14.2

Union's Administrative Tribunal

- (a) The Union's Administrative Tribunal established by the Executive Council shall be competent to hear appeals submitted by staff members against administrative decisions made by the Chairperson or any competent authority of any organ.
- (b) The Administrative Tribunal shall convene its session in accordance with the Statutes and Rules of Procedure of the Union's Administrative Tribunal as referred to Rule 78.1.

Regulation 14.3

Appeal to the African Court of Justice and Human Rights

A staff member may, after exhausting all internal remedies as provided for in these Regulations and Rules, and upon serving a notice of appeal to the Union's Administrative Tribunal, file an appeal with the African Court of Justice and Human Rights as provided for under Article 29 of the Protocol on the Statute of the African Court of Justice and Human Rights.

CHAPTER XV

Regulation 15.1

Separation from service

Any staff member may be separated from the Union under the following circumstances:

- Resignation,
- Termination,
- Discharge,

- Dismissal,
- Expiry of term of contract,
- Death and
- Retirement as specified in the Rules

Regulation 15.2

Obligations and Rights upon Separation

- (a) A staff member who ceases to be in the employment of the Union shall be required to discharge such obligations as specified in the Rules. The Union shall be required to respect the rights of the staff member upon separation in accordance with these Regulations and Rules.
- (b) In the case of death of a staff member, his or her beneficiaries or the estate of the deceased shall be required to discharge such obligations referred to in these Regulations as the Chairperson or the competent authority of any other organ may specify in accordance with the specified provisions in the Rules.

CHAPTER XVI

GENERAL PROVISIONS

Regulation 16.1

Review of the Regulations and Rules

These Regulations and Rules may be reviewed, supplemented, amended or modified by the Assembly or, upon delegation, by the Executive Council in conformity with the provisions of the Constitutive Act and any other relevant provisions.

Regulation 16.2

Implementation Authority

The authority to implement these Regulations and Rules is vested in the Chairperson or the competent authority of any other organ.

Regulation 16.3

Entry into Force

These Regulations and Rules shall come into force upon their adoption by the Assembly.

AFRICAN UNION
الاتحاد الأفريقي



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PERMANENT REPRESENTATIVES COMMITTEE
Twentieth Ordinary Session
Addis Ababa, Ethiopia

PRC/2(XX)a
Annex 1

AFRICAN UNION
STAFF RULES

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STAFF RULES

CHAPTER I

PURPOSE, SCOPE AND AREA OF APPLICATION

Rule 1

Definitions

Words and expressions used in these Rules shall be given the same meaning as provided for in the Regulations.

Rule 2

Relations of Staff Rules to Staff Regulations

These Staff Rules are drawn up pursuant to Regulation 2.2 of the Staff Regulations of the African Union to supplement the Regulations.

Rule 3

Scope of Application

- (a) The provisions of these Rules shall apply to all staff members of the Union as defined in Rule 9 of these Rules;
- (b) Ignorance of any particular Regulation or Rule shall not, in itself, be accepted as an excuse for the infringement of any provision contained in these Regulations or Rules;
- (c) In case of a conflict between the Staff Regulations and Rules and any other circulars or directives, the Regulations and Rules shall prevail;
- (d) The purpose of the Staff Rules is to make provision for what is authorized under the Regulations and where there is no such authority; the Rules cannot cover the intended provision. Any action that contravenes these Regulations and Rules shall be null and void and any cost incurred by the Union shall be refunded by the person who benefited from the unauthorized act or expenditure or the person who authorized the act or expenditure.
- (e) Where the Staff Rules fail to make provision for a particular circumstance, the matter shall be referred to the Chairperson or the competent authority of any other organ who shall decide on what should be done;

- (f) All claims or appeals arising out of the implementation of the Staff Rules or any other instructions shall be made within a reasonable time as specified in the relevant provisions of these Rules.
- (g) Staff engaged in human resources management have a duty to foster good human relations and, at all times, to be ready to help staff members and employees with their personal problems and, explain the benefits to which they are entitled as well as their obligations within the framework of these Rules.
- (h) Without prejudice to the basic managerial accountability of every Head of Department, Division or Unit, the Chairperson or the competent authority of any other organ has the overall responsibility for ensuring the proper implementation of human resources policies and practices in relation to the provisions of the Staff Regulations and Rules and any other relevant instrument.

CHAPTER II

DUTIES, OBLIGATIONS AND RIGHTS

Rule 4

Duties and Obligations

- 4.1 (a) Staff members shall comply with the obligations and the standard of conduct and performance set out in the Staff Regulations and Rules as well as other relevant decisions of the Executive Council and Assembly, Statutes, Treaties Rules and Regulations and policies provided in Rule 78.1.
 - (b) Staff members shall conduct themselves at all times in an exemplary manner, exhibiting probity, independence, integrity, impartiality and respect in executing their duties consistent with the dignity and integrity required of them as staff members of the Union.
 - (c) Failure to comply with these rules shall be subject to administrative or disciplinary action.
- 4.2 In addition to the general obligations to serve, protect and defend the interests of the Union set out in the Staff Regulations, all staff members shall have the following obligations, inherent in the nature of their functions and duties:

4.2.1 Attendance to Duty

- (a) Staff members shall perform their duties in person at their duty stations.
- (b) Unless otherwise provided for in the Letter of Appointment, every staff member is employed on the understanding that he or she devotes himself or herself entirely to the performance of his or her assigned duties and is at the disposal of the Union.

(c) A staff member shall not be absent from duty without permission from the supervisor to whom he or she is immediately answerable.

(d) A staff member shall not leave his or her duty station without the written authorization of the Chairperson or the competent authority of any other Organ.

4.2.2 Working Hours and Official Holidays

- (a) All staff members shall observe the forty (40) working hours a week. Where the usual office hours of a staff member are insufficient to deal with the pressure of work, it is his or her duty, whenever it becomes necessary to do so, to work outside working hours. Such staff member shall, subject to their eligibility, be duly compensated in accordance with the provisions of these Rules.
- (b) Staff members shall be entitled to the following official holidays with pay:
 - i. 25 May (Africa Day); and 9 September (Africa Union Day)
 - ii. Other official holidays shall be published in January of every year and circulated by management to the Union staff.
 - iii. Legal and Public Holidays observed by the host country at the duty station.
- (c) Staff members who are nationals and citizens of a country which observes a National Day shall be entitled to one (1) day official holiday with pay per year provided such request is made in writing and approved by the Chairperson or the competent authority of any other organ and the approved leave is taken on the day the National Holiday is celebrated in the staff members' state;
- (d) Where an official holiday falls on a weekend, staff members will have only one (1) day in addition to their annual leave.

4.2.3 Outside Activities and Interests

- (a) Staff members shall not engage in any continuous or recurrent occupation, profession, or undertake any activity of any nature whatsoever that is incompatible with these Rules, or the proper performance of their official duties or is inconsistent with their status as international civil servants;
- (b) In no case shall a regular, continuing regular and fixed term appointment staff member hold any public or private employment or accept an active management position in a business, commercial, or other similar activity while serving the Union;
- (c) Staff members shall not offer themselves for elective political posts in any state while in active service with the Union. He or she shall first resign from the service of the Union.
- (d) The Chairperson or the competent authority of any other organ or his/her duly authorized representative may permit in exceptional cases a staff member to engage in any non-profit and apolitical activity outside his/her assigned duties including the following:

- i. Professional or academic engagements in the line of the staff members specialization, which are not of a continuous or recurrent nature;
- ii. Participation in national functions compatible with the aims and objectives of the Union;
- iii. Part-time lecturing or tutoring in a training or educational institution; and

(e) Where a staff member cannot discern what constitutes outside activities or interests as provided for in these Rules, he or she may seek clarification from the Chairperson or the competent authority of any other organ or his/her duly authorized representative.

4.2.4 Conflict of Interest

(a) All staff members are required to avoid conflict between professional and personal interests or obligations sufficient to influence the impartial exercise of their official duties or responsibilities. Staff members shall, among other things refrain from:

- i. Seeking or obtaining in the interest of another person benefit, advantage or anything of more than nominal value that would otherwise not be available without his or her affiliation with the Union;
- ii. Using or making available to anyone's benefit or advantage, property, records, services, names, emblem or endorsement of the Union, or any information acquired by virtue of his or her affiliation with the Union;
- iii. Displaying publicly, interest and activities relating to partisan politics, religious matters, or personal convictions not consistent with the philosophy, mandate and mission of the Union;
- iv. Entering into a verbal or written legal or financial agreement with a third party on behalf of the Union without prior and expressed approval and/or authorization of the Chairperson or the competent authority of any other organ; or
- v. Engaging in any activity or conduct incompatible with the proper discharge of his or her normal duties as an international civil servant.

(b) Violations of this Rule shall result in administrative or disciplinary action.

4.2.5 Honours, Decorations or Gifts

- (a) The Chairperson or competent authority of any other organ or his/her duly authorized representative, may permit a staff member to receive and accept

any honour or decoration, provided it is promptly disclosed to the Chairperson or competent authority of any other organ and is not incompatible with his or her obligations and duties to the Union or does not compromise his or her independence.

- (b) In appropriate cases, a staff member may receive, without prior approval, minor gifts of nominal value, provided that all such gifts are promptly disclosed to the Chairperson or the competent authority of any other organ or his/her duly authorized representative, who may direct the concerned staff to keep the gift, hand it over to the Union or return it to the donor.

4.2.6 Civil Rights

Staff members may exercise their civil rights but shall not engage in any activity incompatible with the impartiality required of their status as international civil servants prejudicial to the interest of the Union or contrary to the current Regulations and Rules.

Rule 5

Obligations related to confidentiality of Information

- 5.1 By virtue of their status as international civil servants, Staff members shall be bound by the ethics of professional secrecy and loyalty and shall be prohibited to communicate or divulge any confidential information, documents, facts coming to their knowledge in the course of their official duties to anyone or entity except with the permission of the Chairperson or the competent authority of any other organ.
- 5.2 The obligations and confidentiality stated in Rule 5.1 above shall remain in effect after separation by the staff member from the Union, unless determined otherwise by the Chairperson or the competent authority of any other organ or his/her duly authorized representative for the confidential information to be made public.
- 5.3 Staff members shall not, except with prior authorization by the Chairperson or the competent authority of any other organ or his/her duly authorized representative, perform any of the following acts, where such acts relate to the purposes, activities, or interests of the Union:
 - (a) Issue statements to the press, radio, or other agencies of public information;
 - (b) Accept speaking engagements;
 - (c) Take part in film, theatre, radio or television productions;

(d) Submit articles, books or other material for publication in relation to their work in the Union.

5.4 Any misuse or unauthorized removal or destruction of official documents; communication; or reproduction of official documents or papers by a staff member shall be prohibited and be subject to disciplinary action.

5.5 Staff Responsibility

- a) Staff members shall be accountable to the Chairperson or the competent authority of any other organ or his/her duly authorized representative, and to their supervisory officers for the manner in which they execute their duties, exercise their authority and follow and comply with directives and instructions given to them.
- b) Staff members exercising managerial and/or supervisory responsibilities shall not be exempted from blame for errors committed by their subordinates except in cases of misconduct by the latter.

5.6 Administrative Circulars

All administrative circulars generated by any Organ or any Department shall, for the purposes of clarity, coordination and effectiveness, be channelled through the office in charge of Administration and Human Resources Development for approval and shall be binding on all staff members.

Rule 6

Copyrights, Patent and Other Rights

- 6.1 All rights, including titles, copyrights and patent rights for any work produced by a staff member in the course of his or her official duties or with the resources or facilities of the Union, or which can be shown to be substantially work produced in connection with the performance of his/her duties shall be vested in or assigned to the Union, unless such rights are waived in writing by the Chairperson or the competent authority of any other organ or his/her duly authorized representative, in favour of the staff member concerned.
- 6.2 In waiving such rights, the Chairperson or the competent authority of any other organ or his/her duly authorized representative, shall consider whether it would be in the best interests of the Union to grant such waiver of right considering whether the staff member concerned:
 - (a) had access to, or the opportunity and the means to produce the work in question,
 - (b) had been using Union confidential resources
 - (c) received assistance from the Union,
 - (d) carried out the research as part of his/her official duties

- 6.3 The Chairperson or the competent authority of any other organ or his/her duly authorized representative, may attach to his or her decision such conditions as he or she may deem fit, and in particular may reserve to the Union the right to use the invention or work free of royalties, or the right to a share of any proceeds thereof or both.
- 6.4 The Chairperson or the competent authority of any other organ or his/her duly authorized representative, shall establish procedures for filing and utilizing Proprietary Rights.

Rule 7

Privileges and Immunities

- 7.1 By virtue of their employment, all staff members shall be entitled to the rights, privileges and protections as provided for in these Regulations and Rules, Headquarters and Host Agreements as well as other relevant legal instruments.
- 7.2 The Immunities and Privileges enjoyed by staff members under Regulation 3.2 of the Staff Regulations shall be the following:
- i. Elected Officials shall be entitled to the same immunities and privileges as diplomatic staff of diplomatic missions.
 - ii. All other staff members, regardless of their nationalities and citizenship, shall be entitled, in the territory of any Member State of the Union including the Headquarters and host country of their duty station, to immunities as defined and contained in the OAU General Convention on Privileges and Immunities; Headquarters and Host Agreements; and such other Agreements that may be concluded by the Union and host countries.
 - iii. All staff of the Union except nationals of the host country shall be entitled to the same privileges as defined in the OAU General Convention on Privileges and Immunities and the Vienna Convention on Diplomatic Relations.
 - iv. Under appropriate circumstances including the interest of justice, the Chairperson or the competent authority of any other organ, may waive a staff member's privileges and immunities.

Rule 8

Official Travelling Documents

All Officials and Staff Members of the Union shall be entitled to an African Union Travel Document upon travelling on official mission in conformity with the AU Travel Document Policy in Rule 78.1. The Travel Document shall be recognized by all Member States.

CHAPTER III
CLASSIFICATION OF OFFICIALS AND STAFF

Rule 9

Classification of Officials and Staff

Officials and Staff members shall be classified and grouped as set out in the Staff Regulations as follows:

9.1 Group I - Elected Officials

Group I shall include the Chairperson, the Deputy Chairperson, Heads of any other Organ of the Union, the Commissioners and any other elected officials of the Union.

9.2 Group II - Professional

Group II shall include appointed professional staff who shall include staff members responsible, among other things, for conceiving, planning, managing, supervising, monitoring, drafting texts and evaluating departmental activities as well as the work of technical staff responsible among other things for developing, implementing and supervising programme activities as well those staff members with specialised functions, such as revising, translating, interpreting, proof-reading, précis-writing and evaluating materials.

9.3 Group III - Political and Special Appointees:

A. **Political Appointees** shall include Union Permanent Representatives/ Observers, Special Representatives, Special Envoys and Union Heads of Mission appointed by the Chairperson or any competent authority of any other organ. This category shall not include Heads of Technical and Regional Offices of the Union.

B. **Special Appointees** shall include the following:

- (i) Chief of Staff of the cabinet of Elected Officials
- (ii) Deputy Chief of Staff of the cabinet of Elected Officials
- (iii) Advisors
- (iv) Special Assistants
- (v) Cabinet Attaché
- (vi) Private Secretaries
- (vii) Household Staff assigned or attached to the elected officials' residence where appropriate.

9.4 Group IV - General Service Staff

Group IV shall constitute two categories:

- a. **First Category (GSA)** – Administrative, Clerical, Maintenance and Paramedical;
- b. **Second Category (GSB)** - An auxiliary to the First category, shall include general service staff members responsible among other things for performing routine duties of maintenance.

Rule 10

Grades and Steps

10.1 Each category of Groups listed II, III and IV shall comprise several levels known as “grades.”

10.2. The range of grades for the professional positions in **Groups II and III** shall include the following:

D1
P6
P5
P4
P3
P2
P1

10.3 The General Service grades in Group IV positions shall include:

(i) First Category:

- Grade GSA6
- Grade GSA5
- Grade GSA4
- Grade GSA3
- Grade GSA2
- Grade GSA1

(ii) Second Category:

- Grade GSB10
- Grade GSB9
- Grade GSB8
- Grade GSB7
- Grade GSB6
- Grade GSB5
- Grade GSB4
- Grade GSB3
- Grade GSB2
- Grade GSB1

- 10.4 Each grade shall comprise ten (10) salary steps;
- 10.5 Whenever necessary, the Chairperson or the competent authority of any other organ may request the Joint Advisory Administrative Committee to conduct a study on the grading system of staff members and provide him/her with recommendations for submission to the Assembly through the Permanent Representative Committee (PRC) and the Executive Council.

Rule 11

Classification of Posts

- 11.1 The Chairperson or the competent authority of any other organ shall lay down the terms and conditions for the classification of posts in accordance with the nature of the duties and responsibilities matching the posts.
- 11.2 Any requests for the creation of new posts, re-designation or abolition, upgrading and downgrading of existing posts shall be submitted by the Chairperson or the competent authority of any other organ to the Executive Council through the Permanent Representative Committee (PRC) for consideration and approval.

CHAPTER IV

REMUNERATION

Rule 12

Staff Salaries

- 12.1 The salary scales of staff members in Groups I, II, III and IV shall be determined in accordance with the salary structure approved by the Assembly and may be reviewed in a manner prescribed by the Executive Council. The review of salaries and allowances shall be carried out every three years from the effective date of the last review.
- 12.2 A staff member's salary scale and starting point shall be indicated in his or her letter of appointment; and subsequent changes therein shall likewise be communicated to him or her in writing.
- 12.3 As may be specifically stated in the letter of appointment, the base salary point of a salary scale attached to a post will be the minimum salary point of that scale except in circumstances where the selection panel recommends that a candidate has the requisite qualifications and relevant experience to warrant placement at a higher entry point.
- 12.4 Salary adjustment shall be considered by way of re-classification only in exceptional circumstances when at the request of the staff member, it is the

opinion of the Chairperson or the competent authority of any other organ that he or she was under-graded in relation to his or her duties at the time of appointment. The salary adjustment shall be determined in conformity with the Recruitment, Appointment, Advancement, Upgrading and Promotion Policy as specified in Rule 80. Such re-classification shall take place within 12 months of appointment.

12.5 Payment of Salaries:

- (a) All staff members shall be paid salaries and wages applicable to their terms and conditions of employment but subject to the principle of equal remuneration for work of equal value.
 - (b) All staff members performing the same duties or comparable work, whether on short-term, fixed term regular or continuing regular shall receive similar salary.
 - (c) Except where specifically stated in their letters of appointment, staff members on short-term contracts shall not be entitled to or be eligible for any other remuneration, benefits or privileges other than their monthly salaries specified in the contract or agreement.
 - (d) Overtime allowance for eligible staff members and compensatory leave shall be granted where applicable in conformity with Rule 25.
- 12.6 Salaries shall be fixed at an annual rate and paid in twelve equal instalments, each instalment becoming payable on the 25th day of the month in which it is due.
- 12.7 Salaries shall be paid in all applicable cases net of all institutional deductions such as contribution to the pension scheme and Staff Association.

Rule 13

Annual Salary Increments

- 13.1 A staff members shall receive an annual increment provided he/she has been satisfactorily assessed in the performance of his or her responsibility during the year.
- 13.2 The rate of increment shall be one step a year unless authorized otherwise by the Chairperson or any competent authority of any other organ. Merit increment of two (2) steps shall be granted to staff members based on excellent performance
- 13.3 The increment date shall be the first day of the month in which the staff member initially assumed duty unless otherwise stated by the performance evaluation or appraisal cycle.

- 13.4 Where a staff member is serving on probation, no increment of salary shall be paid to him or her before, or after the expiry of his or her prescribed probationary period, unless and until he or she has been satisfactorily assessed on performance and confirmed in his or her appointment.
- 13.5 When a staff member's increment date falls during his or her leave pending retirement, increment shall be granted.
- 13.6 Upon reaching the ceiling of a grade, a staff member shall advance to the next grade and appropriate step, in accordance with Rules 15 and 16. He or she shall hold the new grade and step as personal to holder taking into consideration the career development of the staff member.

Rule 14

Salary Adjustments on Staff Movements

- 14.1 A staff member's salary scale and salary level shall not be reduced except:
- (i) Where it is proved that the salary was wrongly assessed;
 - (ii) Where a staff member is demoted as a disciplinary measure.
- 14.2 A staff member may be appointed to a position at a salary personal to holder under the following circumstances:
- (i) Where his or her current post is downgraded;
 - (ii) Where as a result of abolition of a post, re-organization or as result of exigencies of service he or she is appointed to a post lower than the one previously held.
 - (iii) Where one or more posts have been upgraded resulting into the creation of a new post with a higher salary level for which the staff member competed in accordance with the appropriate rules and procedures for filling vacant posts.
 - (iv) Where his or her current step is at ceiling for two (2) consecutive years and after satisfactory performance, he or she shall be upgraded to the next grade on personal-to-holder basis.

Rule 15

Adjustment of Salary on Promotion

- 15.1 If prior to his or her promotion, the salary of a staff member is less than the minimum of the promotion grade, then on the date of promotion, he or she shall receive the minimum of the new scale with one increment.

- 15.2 If prior to his or her promotion, the salary of a staff member is not less than the minimum of the new post, then on the date of promotion the staff member will move to the point on the promotion scale which is next higher in value to his or her present salary, plus one increment.
- 15.3 The first day of the month in which the staff member was promoted will become his or her future increment date unless otherwise stated by the Performance Evaluation / Appraisal Cycle.

Rule 16

Salary Deduction

- 16.1 The Union shall have the right to make compulsory deductions to make good for unaccounted advances, loans, wilful or negligent damage or loss of the Union's property and any other causes that may justify deductions from a staff member's salary; provided he or she has been informed and allowed to respond within fifteen (15) calendar days in writing prior to effecting such deductions.
- 16.2 Any staff member who seeks and receives loans from members of the public without the ability to pay them on time or with the intention to defraud members of the public, shall be subject to disciplinary action upon receipt of a written complaint from his or her creditors. In addition to instituting disciplinary proceedings against the staff member, the Union shall either, with the consent of the Staff member or upon receipt of a court order demanding the Staff member to settle his or her debt, deduct from the Staff member's salary and or benefits up to the amount needed to settle his or her debt.
- 16.3 The Chairperson or the competent authority of any other organ shall reserve the right to make deductions from a staff member's pay for any period during which he or she is absent from work without authorization.
- 16.4 No claims of payment or requests for re-assessment of salary, or appeals, shall be considered unless lodged as appropriate within 12 (twelve) months of the event occurring, which first gave rise to such claims or requests. The 12 (twelve) months time bar operates except in cases of absence or incapacity and only on the express approval of the Chairperson or the competent authority of any other organ.

Rule 17

Increments Deferred, Withheld or Stopped

- 17.1 Where a staff member's assessed performance is unsatisfactory or his or her conduct has been adjudged in a disciplinary procedure as unsatisfactory, he or she shall not be eligible for an annual increment. The Chairperson or the Head of another Organ or any Competent Authority may defer, withhold or stop his or her annual increment in accordance with the following:

- (a) **Deferred increment:** A staff member, whose increment is deferred and eventually released, shall retroactively be entitled to the said increment on its due date.
- (b) **Withheld increment:** Where a staff member's increment is withheld and is eventually released, the staff member shall move to the point on the salary scale he or she would have reached had he or she qualified on the due date, but no arrears of increment shall be paid. The staff member shall retain his or her incremental date.
- (c) **Stopped increment:** An increment stopped is an increment lost during that evaluation year.

Rule 18

Audit

The Chairperson or the competent authority of any other organ shall carry out necessary audits and draw the attention of the management staff to any acts or omissions not conforming with standard of operation and execution of responsibilities required of a staff by the Regulations and Rules or any other relevant instrument, and management shall take appropriate actions against the concerned staff, line managers and or any other supervisors.

STAFF ALLOWANCES

Rule 19

Post Adjustment Allowance

- 19.1 A post adjustment allowance shall be added to the salary of staff members in Groups I, II, III and internationally recruited staff in Group IV .
- 19.2 Post Adjustment indices shall be established at regular interval by the Executive Council for all localities where Union staff members are stationed, on the basis of indices established at regular intervals by the UN International Civil Service Commission.

Rule 20

Housing Allowance

- 20.1 The Chairperson, the Deputy Chairperson or the Head of competent authority of any other organ shall not receive housing allowance.
- 20.2 A Housing Allowance shall be granted to staff members in Groups I, II and III and those in Group IV who are internationally recruited excluding consultants.

- 20.3 Staff members living in accommodation provided by the Union or by the host country shall not be entitled to housing allowance.
- 20.4 Staff members in grade P4 to D1 and those in grades P1 to P3 serving in their home country shall only be entitled to 40% and 30% respectively, of the housing allowance paid to internationally recruited staff of the same grade serving outside their country of origin.
- 20.5 Housing allowance shall only be paid to a staff member who certifies that he or she does not receive similar benefits from any other sources in respect of his or her spouse serving at the same duty station.
- 20.6 The amount of the allowances payable under this Rule shall be determined by the Executive Council through the Permanent Representative Committee on the recommendation of the Chairperson or the competent authority of any other organ every three (3) years from the effective date of the last review.

Rule 21

Non-Resident Allowance

- 21.1 All internationally recruited General Service Staff members who are not nationals of the country of their duty station and whose travel on initial appointment was paid for by the Union shall be entitled to receive, in addition to their basic salary, a non-resident allowance as determined by the Executive Council.
- 21.2 The rates of allowance for each duty station shall be the minimum required to compensate staff members for the higher cost of living and determined every three years from the date of the previous review by the Executive Council on the basis of the cost of living indices as determined by the United Nations International Civil Service Commission.

Rule 22

Dependency Related Entitlement

- 22.1 **Spouse Allowance:** An approved percentage of staff member's basic salary shall be paid to an eligible spouse as approved by the Executive Council
- 22.2 **Child Allowance:** An approved percentage of the basic salary of a staff member shall be paid as follows
- a) For staff members recruited before 30 June 1990, they shall be eligible to receive child allowance up to the maximum of six (6) children until the age of 24.

- b) For staff members recruited between 30 June 1990 and 30 June 2003, the child allowance shall be paid up to maximum of four (4) children up to the age of 24.
- c) For staff member recruited after 30 June 2003, the child allowance shall be paid up to a maximum of four (4) children until the age of 21.

22.3 Education Allowance

(a) Allowance

- (i) Education allowance shall be payable to all staff members on Continuing Regular or Regular appointment in respect of each eligible dependent child in full-time attendance in an educational institution, provided such child is at least three (3) years old and not more than:
 - a) Twenty-four (24) years of age where the parent staff member was recruited before 30 June 1990 and 30 June 2003.
 - b) Twenty-one (21) years of age where the parent staff member was recruited after 30 June 2003.
- (ii) Education allowance shall not be paid to staff members on project, short-term and consultants. However where a staff member's contract is for a term of one-year or more and or has continuously been in the services of the Union for more than 4 years, his or her children shall be eligible to receive fifty percent (50%) of approved educational allowance paid to regular or continuing regular staff members.
- (iii) Where a staff member eligible under paragraph (i) above is re-assigned to a duty station within his or her home country in the course of the school year, he or she shall receive the same education allowance for the remaining period of the school year.
- (vi) The Union shall pay seventy-five (75%) of the learning expenses and cost which by definition shall only be limited to school fees actually incurred by a staff member from the amount recommended by the Chairperson or the competent authority of any other organ and approved by the Executive Council.
- (v) A staff member with more than one eligible child may discretionally spend beyond the 75% approval expenditure for any one child provided the aggregate educational expenditure for all his or her children is not more than the authorized 75% expenditure out of the approved educational allowance of all his or her children.

(b) Duration

- (i) The allowance shall be payable to each dependent child and shall extend up to the end of the school year in which the child reaches the

eligible age as provided in Rule 22.2 or when he or she is awarded recognized degree, whichever comes first;

- (ii) Where the child's education is interrupted for at least one scholastic year, by national service obligations, illness or other compelling reasons, the period of eligibility may be extended, by the period of interruption, beyond the scholastic year in which the child reaches the eligible age as provided in Rule 22.2.
- (iii) The allowance shall not be paid for vocational training or apprenticeships which either does not involve full-time schooling or in which the child receives some payment for services rendered.

22.4 Special Consideration for Physically and Mentally Challenged Children

Eligibility for this consideration shall be as follows:

- (a) A special consideration in respect of education allowance for physically and mentally challenged children shall be made to staff members of all categories, regardless of whether or not they are serving in their home country as long as they have a fixed-term appointment of not less than a year.
- (b) Claims for this special consideration shall be submitted annually in writing and supported by medical evidence satisfactory to the Chairperson or the competent authority of any other organ regarding the child's disability.
- (c) The allowance shall be paid from the date on which special teaching or training is required up to the end of the school year or calendar year, as appropriate, in which the child reaches the age of twenty-five (25) years. In exceptional cases, subject to satisfactory medical evidence to be reviewed by the Union Medical Panel, the age limit may be extended depending on the degree of the disability up to twenty-seven (27) years.
- (d) Where a Physically and Mentally Challenged child attends an educational institution away from the duty station, travel costs may be paid for up to one return-ticket per school year between the educational institution and the duty station, provided the Chairperson or the competent authority of any other organ is satisfied that the needs of the disabled child require attendance at that educational institution.

22.5 Eligibility for spouse, child and educational allowance or benefit shall only be extended to regular and continuing regular staff members.

Rule 23

Travel Related Allowances

A. Subsistence Allowance

- 23.1 Subsistence Allowance shall be paid to every staff member undertaking authorized travel including missions and medical evacuation at the expense of the Union and in accordance with prevailing rates of Daily Subsistence Allowance (DSA) established by the Chairperson or the competent authority of any other organ with the approval of the Executive Council.
- 23.2 Without prejudice to Rule 23.1, the Daily Subsistence Allowance shall be calculated on the basis of the average United Nations per diem for all countries, i.e. the UN Scale increased by:
- (i) 40% for the Chairperson
 - (ii) 30% for the Deputy Chairperson / Heads of the other organs,
 - (iii) 25% for the Commissioners and
 - (iv) 20% for the rest of the staff and other Officials of the AU Member States on official mission by one of the AU Organs
- 23.3 In the event that the cost of accommodation is equal to or above the Daily Subsistence Allowance rate, the Union shall cover the cost of accommodation, meals and pay the staff member fifty percent (50%) of Daily Subsistence Allowance of the locality, provided that prior approval has been obtained from the Chairperson or the competent authority of any other Organ.
- 23.4 Where the cost of full boarding and lodging is met by a sponsor, the staff member will only be entitled to fifty per cent (50%) of the Daily Subsistence Allowance.

B. Installation Allowance

- 23.5 Installation Allowance shall be paid to a staff member on initial appointment provided he or she was not recruited in the country of the duty station.
- (a) On arrival at his or her duty station, the newly recruited staff member shall receive an allowance to meet extra-ordinary living expenses consisting of the full rate of the daily subsistence allowance authorized under the preceding paragraph for himself or herself and fifty percent (50%) of that amount for each eligible dependent, for a maximum period of thirty (30) calendar days, on the understanding that no housing allowance is paid for the same period.
 - (b) Installation Allowance thirty (30) calendar days for eligible dependents shall be paid only when such dependents are proven to have joined the staff member at his/her duty station within the first ninety days from the date of assumption of duty of the staff members.

- (c) Installation Allowance for elected officials shall be paid per hotel rate as approved by the competent authority.
 - (d) Installation Allowance for all other staff shall be paid at the applicable city rate of Union Daily Subsistence Allowance.
- 23.6
- (a) A staff member shall, upon transfer to another duty station, be entitled to an allowance equivalent in sum to the installation allowance for himself or herself and fifty percent (50%) thereof for each of his or her eligible dependents for a maximum period of thirty (30) calendar days, on the clear understanding that no housing allowance shall be paid for the same period.
 - (b) A staff member transferred to his or her home country shall also be entitled to Installation Allowance as provided for in Rules 23.6 (a) above.
 - (c) Only Regular, Continuing Regular and Fixed-term internationally recruited staff members are eligible to receive installation allowance which shall be paid in lump sum unless the Chairperson or competent authority of any other organ recommends the extension of this benefit to another category of staff member and approved by the Executive Council through the Permanent Representative Committee

Rule 24

Other Service Allowances

24.1 Overtime Allowance

- (a) The salary of a staff member holding an established office shall be fixed on the assumption that his or her time shall be at the disposal of the Union. Where the usual office hours (40 hours per week) are insufficient to deal with pressure of work, it shall be the duty of the staff member concerned when called upon to do so, to work overtime without extra remuneration but shall be entitled to compensatory leave up to a maximum of fifteen (15) working days per annum.
- (b) Only staff members of Group IV- Second Category (GSB) can instead of compensatory leave, be entitled to payment of an overtime allowance. The payment shall not exceed in any given month, twenty-five percent (25%) of the staff member's basic monthly salary.
- (c) Where the staff member's overtime allowance exceeds twenty-five percent (25%) of his or her salary per month, the balance of the overtime worked shall be converted into compensatory leave up to a maximum of fifteen (15) working days per annum.

- (d) The annual entitlement to compensatory leave days for all categories of staff shall be established by the Chairperson or the competent authority of any other organ.
- (e) Nothing in this sub-section shall restrict the discretion of the Chairperson or the competent authority of any other organ to discharge any liability for overtime by granting time off in lieu of payment.

24.2 Acting Allowance

- (a) An Acting Allowance is an allowance which shall be paid to a staff member when he or she has been appointed by the Chairperson or the competent authority of any other organ to act in a post higher than his or her substantive post for a period not less than thirty (30) working days and not more than twelve (12) months. Unless where justified by exceptional circumstances, the most senior staff of the Unit/Department shall be eligible to act. The Acting Allowance shall be the difference between the basic salary of the holder of the position and the salary of the staff member, or fifteen percent (15%) of his own basic salary whichever is higher. Payment of Acting Allowance shall be with effect from the date of acting appointment.
- (b) Acting Allowance shall end within forty-eight (48) hours after the substantive holder resumes duty;
- (c) Consultant, Special Appointee and/or a short-term or fixed term contract staff shall not be appointed to act in a substantive post.

24.3 Training Allowance

- (a) **Sponsored Candidates:** The following allowances shall apply:
 - (i) A regular or continuing regular staff member nominated by the Union to undertake a relevant training course of priority concern to the Union for a period up to a maximum of six (6) months, shall be entitled to Training Allowance in addition to his or her full salary, allowances and benefits normally accruing to him or her, provided that the course is held outside his/her duty station.
 - (ii) The training allowance shall cover tuition fee, registration fee, and incidental expenses as shall be prescribed in the training programme.
 - (iii) Where all the expenses necessarily required to undertake the training are met by the Sponsoring Agency, the staff member shall be entitled to a nominal training allowance of twenty-five percent (25%) of the DSA rate applicable to the city of the training programme. The Union shall, however, bridge the difference in case of partial sponsorship by the Sponsoring Agency as shall be authorized by the Chairperson or the competent authority of any other organ.

- (iv) Unless otherwise provided for by the Chairperson or competent authority of any organ, only Regular and Continuing Regular staff members shall be eligible for training.
- (b) **Self-sponsored Training Courses:**
 - (i) A staff member may undertake continuing education with a view to attaining a professional qualification and or other skills through distance learning or evening classes or a course abroad. The Union shall not be obliged to sponsor staff members for such programmes.
 - (ii) When approval has been obtained by a staff member to undertake a relevant professional training and if the course is considered likely to enhance his or her value to the Union, the Chairperson or the competent authority of any other organ may approve the re-imbursment of fifty percent (50%) of the total cost of the fees for the course, provided the staff member successfully completes the course of study within the designated period of study and submits a written request for reimbursement together with the original letter of admission, fees, receipts and valid certificates. In such cases, the Chairperson or the competent authority of any other organ may impose specific conditions related to the duration of the service.

Rule 25

Severance Pay

- 25.1 A staff member whose regular, continuing regular or fixed-term appointment is terminated due to abolition of his/her post, staff reduction, retrenchment or because the physical or mental health of the staff member no longer enables him or her to carry out his or her duties, shall be entitled to receive severance pay.
- 25.2 Severance pay shall be equivalent to one month's gross salary of the staff member for each completed year of qualifying service up to a maximum of twelve (12) years.
- 25.3 No severance pay shall be granted to a staff member:
 - (a) Who resigns;
 - (b) Who retires in accordance with Rule 71 of these Rules;
 - (c) Whose regular probationary period has not been confirmed;
 - (d) Who is separated from the service of the Union at the normal expiry date of his/her fixed-term and short-term contract;
 - (e) Who is dismissed for misconduct or whose services have been terminated as provided for in these Staff Regulations and Rules.

- 25.4 A regular staff member who has not been confirmed but who has served the Union for one year or more shall be entitled to severance pay at the same rate as provided for in the Rules or where the position is abolished in accordance with these Rules.

Rule 26

Salary Advances and Loans

26.1 Salary in Advance

The Chairperson or the competent authority of any other organ may, in exceptional and compelling circumstances and upon the written request of a staff member supported by satisfactory justification, authorize the granting to the staff member of a salary in advance of not more than one month's net salary. The conditions for the granting of salary in advance shall include the following:

- (a) If proceeding on an extended official travel, or on approved leave involving absence from duty for two or more days before pay day;
- (b) In cases where newly recruited staff members arrive without sufficient funds;
- (c) Upon change of official duty station; and
- (d) Any other exceptional circumstances that may arise.

26.2 Staff Loans

A. Salary Loan

A staff member may request and be paid the equivalent of his or her one-month's gross salary as a loan. Unless otherwise approved, such advance shall be refunded through deductions from the staff member's salary, beginning from the second pay month following that in which the advance was granted, and shall be spread over a period not exceeding six months.

B. Car Loan

Staff members of all categories may be granted interest-free loans for the purchase of means of transportation. The period of repayment shall be within 36 months. The conditions, modalities and ceilings of loans for all categories of staff and the modalities for repayment shall be determined by the Chairperson or the competent authority of any other organ provided that the basic conditions shall be the same across all categories.

C. Emergency Loan.

Staff members of all categories may be granted emergency loans on humanitarian basis. The conditions, modalities and ceilings of such loans to all categories of staff, including the modalities for repayment, shall be determined by the Chairperson or the competent authority of any other organ.

CHAPTER V

RECRUITMENT, APPOINTMENT, PROMOTION AND RE-EMPLOYMENT

Rule 27

Conditions of Appointment

- 27.1 The Appointment, Promotion and Recruitment Board (APROB) shall deal with all matters relating to recruitment, appointment, promotion, review, and re-employment and staff development, unsatisfactory performance and make appropriate recommendations to the Chairperson or the competent authority of any other organ. The functions and composition of the Board shall be as per Rule 56 of these Rules.
- 27.2 (a) Each Member State of the Union shall be allocated a fixed quota of staff from the general quota and thereafter the remaining number of staff in the general quota shall be distributed based on the assessed contribution of each Member State as approved by the Executive Council.
- (b) Whenever a Member State does not totally fill its quota, the quota may be filled by nationals of other Member States on short-term contract basis, giving priority to nationals of the least represented Member States.
- (c) When a Member State, which was unable to fill its quota as provided for in paragraph (b) immediately above, is in a position to fill its quota with suitable candidates, the quota shall revert to it. The contracts of nationals of other Member States occupying the quota on short-term contracts shall not be renewed on expiry.
- 27.3 Elected Officials, staff on political and special appointments as well as Staff Members in Group IV shall not be included in the quota of Member States.
- 27.4 The Chairperson or the competent authority of any other Organ shall determine the age limit, qualifications and experience for each post to be filled. Age limit for entry into career service shall not be more than fifty-five (55) years of age.

- 27.5 Where candidates hold equal qualifications, priority shall be given to the nationals of the Member State which is least represented as per the quota system and/or the gender less represented.

Rule 28

Recruitment

A. Internal Recruitment

28.1 The Chairperson or the competent authority of any other organ shall advertise all vacant posts, though he may exercise discretion to first advertise internally to benefit regular staff members. In deciding to fill a vacancy through internal advertisement, the decision of the Chairperson or the competent authority of any other organ shall be based on the following conditions:

- (a) There must be a vacant post;
- (b) The post must be advertised and any interested qualified staff member may apply;
- (c) The staff member must pass a competitive test, interview and examination in conformity with these Rules.
- (d) The interested staff member's previous assessed record of performance where available, must be satisfactory;
- (e) In all cases where candidates have equal competencies, other parameters such as seniority or relevant professional training, shall be invoked. Notwithstanding the above, professional training and relevant cross-cutting experience shall take precedence over seniority.
- (f) Selection interviews or other types of examinations or both shall be conducted by the APROB.
- (g) With a view to ensuring gender equality, where male and female staff members have equal competencies for recruitment, adequate consideration should be given to ensure gender equality.

28.2 A General Service staff member who has obtained a degree or diploma required for a professional post in the grade Group II category shall be eligible to compete when there is a vacancy subject to quota and requisite experience.

B. External Recruitment

28.3 The **APROB**, taking into consideration the priorities of the Union and the proposals of the Directors of the relevant Departments, shall suggest the list of vacancies to be filled to the Chairperson or the competent authority of any other Organ, who will approve it for publication.

28.4 Every vacancy notice shall contain a clear job description including the minimum qualifications, remuneration, skills and experience required for the job and the age limits, as well as the conditions of service. Candidates shall be required to provide references and referees who may be consulted and the

Union reserves the right to verify at any time the degrees and diplomas of successful candidates.

- 28.5 Vacancy notices shall be advertised both internally and externally. However, the Union shall, without prejudice to the recruitment of fresh talent at all levels, in filling vacancies, offer consideration, after interviews, to the requisite qualifications and experience for persons already in the service of the Union.
- 28.6 To ensure that vacancy notices reach the widest audience, all external vacancy notices shall be given the widest possible publicity. In this regard, the Union shall, apart from placing the vacancies on its website, communicate the vacancies to all Member States by available communication means including specific notifications to member states about their unfilled quota. The vacancies announcement shall also indicate those member states that have not filled their quota. In the process of recruitment, preference shall be given to candidates from member states with unfilled quota.
- 28.7 All applications shall include curriculum vitae, certified copies of academic credentials and a cover letter indicating the motivation and qualification of the applicant for the advertised position.
- 28.8 Short-listed candidates shall go through an interview process with due regard both to equal geographical distribution and gender balance. The Union shall inform the short-listed candidates of the date of the interview in a timely manner.

Rule 29

Recruitment of Staff with Family Relations in the Union

- 29.1 An Organ of the Union shall not employ any person bearing any of the following relationships to a staff member: husband, wife, father, mother, son, daughter, brother or sister, unless he or she meets any of the following criteria:
- (i) That there was no other suitable candidate to fill the post and the recruitment is done by a different Department from that of his or her relative. In this instance, the recruitment shall be limited to a short-term contract.
 - (ii) That he or she is recruited in a different Organ of the Union.
 - (iii) That a staff member marries to another staff member while in the employment of the Union. Under this circumstance, they shall not work in the same department and the marriage shall not affect the contractual status of either spouse, but their entitlements and other benefits shall be modified in consequence. However where husband and wife retain separate households due to their having been assigned to different duty stations, they may maintain separate entitlements, provided that this is consistent with any Staff Regulations and Rules or other Administrative Circulars.

- 29.2 Except where the staff members were already in the employment of the Union before marriage or they are recruited by different organs, no relative as described in Rule 29.1 shall be eligible for regular position.
- 29.3 Candidates with relations as described in Rule 29.1 shall be required to disclose in their application the name and other information of their relatives working for the Union. In the absence of disclosure and if it is discovered and proven that he or she is related to a staff member, the contract of the candidate concerned shall be terminated forthwith.
- 29.4 Where the first employee was fully aware of the non-disclosure, the Union shall treat this as a misconduct and institute appropriate disciplinary measures against him or her.
- 29.5 The Union shall indicate on all application forms relationship verification of the applicant to an existing staff member(s). Where an applicant fails to declare such relationship, he/she shall be subject to disciplinary actions upon discovery of the omission.

Rule 30

Disclosure of Personal Information by Staff Members

- 30.1 Prior to or at the time of appointment, every staff member shall provide to the Chairperson or the competent authority of any other organ in writing the official information required for the purpose of establishing his or her administrative status under the Staff Regulations and Rules.
- 30.2 Every staff member shall promptly and in writing notify the Chairperson or the competent authority of any other organ of any subsequent changes affecting his or her administrative status under the Staff Regulations and Rules.
- 30.3 A staff member and/or any of the eligible dependents, who is arrested, charged with an offence, convicted, fined or imprisoned for any offence other than a minor traffic violation or similar offence shall immediately report the fact to the Chairperson or the competent authority of any other Organ. Failure to report such incident within five working days may result in disciplinary measures.
- 30.4 The Chairperson or the competent authority of any other organ may, when circumstances so warrant, request a staff member to furnish, in writing, any information antecedent to his or her appointment and bearing on his or her morality, character, integrity, conduct and service as a staff member of the Union.
- 30.5 Where the Union establishes that a staff member failed to make a disclosure, misrepresented facts with regard to his/her work experience, educational and academic qualifications, knowledge of languages, eligible dependents,

criminal record and/or any other material fact that is misleading in the offering of an appointment, it shall lead to disciplinary actions.

Rule 31

Letter of Appointment

- 31.1 A letter of appointment shall be issued to each staff member in accordance with these Staff Regulations and Rules stipulating expressly or implicitly, all the terms and conditions of employment. The contractual entitlements of staff members shall be strictly limited to those contained in his or her letter of appointment.
- 31.2 The Letter of Appointment shall indicate:
- (i) The name of the staff member;
 - (ii) The job title;
 - (iii) The date of appointment;
 - (iv) That the staff member shall be subject to the provisions of the Staff Regulations and Rules and other Administrative Notices;
 - (v) The category, grade and step to which the staff member is appointed, as well as the allowances for which he or she is eligible;
 - (vi) The initial duration of appointment, the notice required to terminate the appointment and the probationary period to be served;
 - (vii) The date on which the staff member is required to take up his or her duties;
 - (viii) Any special terms or conditions that may apply;
- 31.3 A copy of the Staff Regulations and Rules shall be forwarded to the staff member with the letter of appointment. In accepting the appointment, the staff member shall state that he or she has read and accepted the terms and conditions specified in the letter of appointment and the Union's Staff Regulations and Rules.

Rule 32

Effective Date of Appointment

- 32.1 The appointment of a staff member recruited locally or at the duty station shall take effect from the date on which he or she effectively starts to perform his or her duties.
- 32.2 The appointment of a staff member internationally recruited shall take effect from the date on which he or she leaves his or her normal place of residence and begins official travel to take up his or her duties, provided he or she travels by the most direct route.

Rule 33

Type of Appointments

33.1 Regular Appointment

Regular appointment shall be granted to staff members recruited, on first appointment, a three-year fixed-term contract on an established structure post, the first twelve months of which shall be probationary period. A further renewal term every two years period shall be granted, provided the staff member has demonstrated his or her suitability as an international civil servant and has shown that he or she meets the highest standards of efficiency, competence and integrity through annual performance evaluation.

33.2 Continuing Regular Appointment

Regular staff members who have satisfactorily completed five (5) years of service as Regular Staff may be offered Continuing Regular Appointment subject to Regulation 6.5.1 (b) and Rule 33.1 above.

33.3 Fixed-Term Appointment/ Project Appointment

- (i) A fixed-term appointment may be granted to persons recruited for a period not exceeding two (2) years renewable twice up to a maximum of six (6) years and not less than one (1) year to accomplish specific tasks. Unless otherwise stated, these appointments shall be made to staff recruited on projects or programme and the duration of contract may be limited to the project's or programme's timeframe and shall enjoy the same benefits as continuing regular and regular staff members.
- (ii) The appointment may be renewed on expiration provided the performance of the staff member is satisfactorily assessed and still required, in which case, the Chairperson or the competent authority of any other organ, on the advice of APROB, may renew the staff member's

fixed-term contract for another term without any possibility for further renewal.

- (iii) A fixed-term appointment shall not carry any expectancy of automatic renewal or conversion to any other type of appointment.
- (iv) Prior to the renewal of a fixed-term contract, the staff member shall be certified by the Union Medical Officer to be physically and mentally fit for continued employment by the Union.

33.4 Short Term appointment:

These are contracts for a period not exceeding one year but not less than 3 months granted for specific assignments to meet, among other things, increased workload and filling in positions within the structure that are yet to be filled by substantive candidates or performing vital functions or duties that are yet to be structurally approved by the Executive Council. No short-term contract shall be renewed more than once without separation from the Union for a period of at least 3 months nor does it carry any expectancy of automatic renewal or conversion to any other type of appointment. This Rule shall not include staff members in Group IV category.

33.5 Special and Political Appointees

A. Special Appointees

These are personal assistants appointed by Elected Officials of the Union for the duration of their terms of office. Their functions shall fall within the remit and authority of the Elected Officials. They shall not exceed their mandates, carry out, issue directives nor assume the function of the Elected Official or other officials of the department. Such appointees must possess the necessary qualifications and experiences for their respective functions.

B. Political Appointees

These are Permanent Representatives, Ambassadorial and Heads of Mission appointed by the Chairperson or the competent authority of any other organ for the duration of his or her term of office. The Political Appointees, who must have demonstrated experience of the working of the Union, shall represent the Union in their respective duty station.

Both political and special appointees holding regular, structural and budgeted positions shall enjoy the same rights and benefits as regular staff members of the Union.

33.6 Consultancy Appointment

These are contracts awarded to individuals or organizations for a period not more than three months to provide specific services not within the immediate capacity of

the Union. No consultancy shall be renewed more than once without separation from the organization as stated in Rule 33.10.

33.7 Special Services Appointment

These are part-time employment contracts of a limited duration but renewable as and when necessary without conferring on the staff member any full time commitment with the Union during their duration of service.

- (a) They may be issued in circumstances where the Union requires expertise of a specialist for a period less than full time either in the number of hours a day or number of days in a week or both.
- (b) The terms of any part-time employment shall be agreed upon between the Chairperson or the competent authority of any other Organ and the part-time staff on a case-by-case basis.
- (c) No part-time staff member shall be entitled to benefits or privileges given to regular staff members.

33.8 Secondment Appointment

These are not appointments per se; they are decisions made by the Chairperson or a competent authority of any other Organ transferring a staff member from a member state, an institution, one organ to another or sending him or her to work in an outside agency without amending any of the existing conditions of service, except where there are special circumstances relating to the exigencies of transfer.

- a. Where a staff member is on secondment to the Union by the Government of his/her country, the terms and conditions of the secondment shall be stated in the letter of appointment, and a copy of which shall be given to the Government concerned.
- b. The seconded staff shall sign an agreement containing the terms and conditions of secondment.
- c. Secondment shall not carry any expectancy of conversion into any other type of appointment.

33.9 Renewal of Contracts for Short-term and Project Staff

- (a) The Department responsible for personnel and human resources matters shall be guided in its review of the request for renewal by the following:
 - (i) Justification for renewal and a work plan;

- (ii) Availability of funding;
- (iii) Performance evaluation report for the past period;
- (iv) Achievement report of the staff member.

33.10 Re- Application

Where a staff member is separated from the Union after the expiration of his/her contract renewal period, he shall be only eligible to compete for any position with the Union after six (6) months of his or her separation. For application for regular positions, such individual shall only be allowed to apply for a position two grades above from his or her separated grade.

33.11 Re-instatement

- (a) Where a staff member is separated from the Union without any fault of the part of the staff member for a maximum of period of twelve (12) months he or she shall only be reinstated where his or her separation from the Union's service was due to:
 - (i) Disability under relevant provisions of the staff Regulations and Rules and on the advice of the Union Medical Panel, the Chairperson or the competent authority of any other organ is satisfied that the disability no longer exists; or
 - (ii) Release from the service of the Union at the request of the staff member's government as provided for under the Regulations and Rule 68.2.
 - (iii) Abolition of post; provided he or she possesses the requirements of the new post and his or her previous service and conduct were satisfactory;
 - (iv) A State's cessation of its membership from the Union and has subsequently resumes its membership.
- (b) A staff member shall be reinstated under new terms and conditions and shall be required to renew the Oath or Declaration of Office.
- (c) Prior to re-instatement, a staff member shall be required to undergo a medical examination by the Union Medical Officer to establish his or her fitness for the purpose of employment.
- (d) Re-instatement shall not be automatic and shall be based on available vacancy.

Rule 34

Advancement and Promotions

34.1 Within-Grade Advancement:

- (a) Advancement of a staff member by one salary increment within the same grade shall be made on the basis of assessed satisfactory performance and merit after each year of continuous service.
- (b) In the event of unsatisfactory performance, no increment shall be granted until twelve (12) months have elapsed. However, a withheld increment may be restored after an assessed performance, and a significant improvement thereof, provided the staff member has been re-evaluated after the lapse of a period of six months.
- (c) Accelerated Advancement – A staff member whose performance has been adjudged exceptionally meritorious may be granted accelerated advancement by the award of not more than one step in addition to the annual increment normally due. Such accelerated advancement may be granted not more than twice in the course of a staff member's service on a given grade.
- (d) An annual increment may be withheld as a disciplinary measure under these Rules.

34.2 Promotion:

- (a) A regular or continuing regular staff member in Group II and IV who has proved to be outstanding by his or her professional aptitude in executing assigned responsibilities may be eligible for promotion to the grade immediately above his or her grade as provided for in the African Union Advancement, Upgrading and Promotion Policy and subject to quota where applicable.

Rule 35

Acting Appointment and Officer- In-Charge

35.1 Acting Appointment:

- (a) The Chairperson or the competent authority of any other organ may issue an acting appointment to a staff member to assume duties relating to a vacant position for a period not less than thirty (30) days. Unless where justified by exceptional circumstances, the most senior

staff of the Unit/Department shall be eligible to act. Furthermore, the acting allowance shall be determined as accordance with Rule 24.2.

- (b) Where the acting period of one year has elapsed the post should be declared vacant and the Staff member who has held the post in acting capacity should be allowed to compete with other eligible candidates.
- (c) Where the acting period of one (1) year has elapsed, the acting staff member shall be given the opportunity to compete with other candidates from outside and within the Union for the vacant post.

35.2 **Officer-In-Charge**

- (a) Officer-in-Charge appointment is an interim administrative arrangement under which the duties of a staff member that is absent for a short period of time not exceeding sixty (60) days are allocated to another staff member along with his or her own duties.
- b) The staff member appointed to be in-charge may or may not be of the same level or grade as the one he or she replaces but shall be the most senior person in the structure of the department. He or she shall not be entitled to receive extra allowance, entitlements or benefits for the extra responsibilities he or she undertakes during the period.
- c) Consultants, Special Appointees and short-term contract staff shall not be appointed to act or be officer-in-charge.

CHAPTER VI

STAFF PERFORMANCE APPRAISAL

RULE 36

Staff Performance Appraisal

- (a) Staff members shall be evaluated annually by the immediate supervisors for their efficiency, competence and integrity through performance appraisal mechanisms that shall assess the staff member's compliance with the deliverable standards set out in the Staff Regulations and Rules for purposes of accountability and continuity in the service of the Union.

- (b) Performance reports shall be prepared regularly for all staff members.
- (c) The Union shall establish a Performance Appraisal Policy as per Rule 78.1.

CHAPTER VII

CAREER DEVELOPMENT

Rule 37

Staff Career Development

- 37.1. (a) The Chairperson or competent authority of any organ shall seek to ensure that appropriate learning and development programmes are available for the benefit of staff.
- (b) The Chairperson or competent authority of any organ shall prepare a Career Development Plan for all staff members of the Union, taking into account the grading and salary scales proposed for each category;
 - (c) The Career Development Plan shall be devised in such a way so as to ensure upward mobility, competitive spirit among staff as well as recognition of outstanding performance;
 - (d) The Career Development Plan shall effectively provide for a promotion/ advancement scheme, which would facilitate movement to higher grades within an approved period for meritorious staff;
 - (e) The Commission and any Union organ shall provide counselling as part of the Career Development Plan in conformity with Rule 78.1.

CHAPTER VIII

STAFF LEAVE

Rule 38

Annual Leave

38.1 Purpose of Annual Leave

Staff members shall take their annual leave to rest, in order to ensure high quality performance when they resume duty.

38.2 Entitlement to Annual Leave

Pursuant to the provisions of Regulation 7 of the Staff Regulations:-

- (i) All categories of staff shall be entitled to twenty-eight (28) working days leave per year of active service;
 - (ii) Two (2) days over and above leave granted shall be added to the leave entitlements of all internationally recruited staff as travel days during annual and home leave.
 - (iii) All categories of staff members must take a minimum of ten (10) working days of their annual leave entitlement within any calendar year, failing which the minimum of ten (10) working days shall be forfeited without compensation.
 - (iv) For all categories of staff, annual leave carried forward shall not accumulate beyond one hundred and ten (110) working days at the end of the staff member's career. Any balance beyond the stipulated number of days shall be forfeited at the separation of the staff member. For Fixed terms / project staff leave shall not be accumulated beyond fifty-six (56) working days.
- 38.3 Annual leave shall not be commuted for cash except as provided otherwise under these Rules.
- 38.4 A staff member who does not qualify for annual leave may, for exceptional and compelling reasons, be granted advance annual leave of up to a maximum period of twenty-four (24) working days. The advance leave shall be deducted from the annual leave entitlement.
- 38.5 A staff member who at the time of his or her separation from service has accrued annual leave shall be entitled to be paid in lieu thereof, a sum of money equivalent to the number of days of accumulated leave.
- 38.6 Leave may only be taken when authorized and subject to the exigencies of service. Unauthorized absence from duty shall not be charged to annual leave and no salary or allowance shall be paid for such period of absence. Unauthorized absence and/or delay in resuming duty shall be subject to disciplinary action.
- 38.7 Absence from duty beyond three (3) working days without authorization shall be subject to appropriate disciplinary actions.
- 38.8 **Recall from Annual and Home Leaves**

- (i) Upon authorisation of the Chairperson or the competent authority of any other organ, the annual or home leave may be interrupted at any

time in the interest of the work of the Union. In such circumstances, the balance shall be paid in cash or may be deferred and taken later.

- (ii) In the event the staff member recalled wishes to take the leave balance at a later date, he/she shall be granted travel expenses to resume his/her leave, provided that at the time of the recall it is proven that he/she was out of duty station and that the leave balance shall not be less than ten (10) working days

38.9 Leave Roster

For the proper planning of the work of the Department/Division/Unit and to ensure the availability of adequate staff at all times, Heads of Departments shall prepare a leave roster at the beginning of the calendar year. The leave roster shall be submitted to the Department responsible for personnel and Human Resource Development as early as possible to enable him/her to produce a consolidated annual leave roster by the month of March of each year.

Rule 39

Home Leave

39.1 Entitlement to Home Leave

Staff members who are internationally recruited and their eligible dependents, and are residing and serving outside their home country, shall be entitled once every two (2) years of qualifying service to visit their home country at the Union's expense. In exceptional and compelling circumstances, the Chairperson or the competent authority of any other Organ may, at the request of a staff member, authorize payment of home leave travel expenses to a country other than the staff member's home country, provided the cost does not exceed that of travel to the home country or country of initial appointment.

39.2 Eligibility

A staff member shall be eligible for home leave provided the following conditions are fulfilled:

- (a) The staff member's service is expected to continue for at least six (6) months beyond the date of his or her return from any proposed home leave; and
- (b) The first home leave for an eligible staff member and eligible dependents shall fall due in the second calendar year after the one in which the staff member assumed duty.
- (c) The staff member is confirmed in his or her appointment.

- 39.3 (a) Staff members may take their home leave at any time in the calendar year in which it shall fall due, subject to the exigencies of service and to prior authorization.
- (b) A staff member may be authorized to take his or her home leave in conjunction with travel on official mission, due regard being given to the interests of the staff member and his or her family.
- (c) (i) In exceptional circumstances, the Chairperson or the competent authority of any other Organ may authorize a staff member, at his or her request, to take home leave in advance of the calendar year in which it falls due, provided not less than eighteen (18) months of qualifying service have been completed and that not less than eighteen (18) months have elapsed since the staff member's return from his or her previous home leave;
- (ii) Where home leave has been granted in advance, the next home leave year shall not be affected thereby.
- (d) (i) Where a staff member delays his or her home leave beyond the calendar year in which it falls due, without authorization, the leave not taken shall be forfeited, provided he or she has accumulated more than one hundred and ten (110) working days leave. The said staff member shall not be entitled to take his or her next home leave until the second calendar year following that in which his or her leave was due.
- (ii) The Chairperson or the competent authority of any other organ may decide, upon application by a staff member, that exceptional considerations related to exigencies of service make it necessary for the staff member's home leave to be delayed beyond the calendar year in which it falls due. In such a case, the period of the next home leave and subsequent home leave shall not be affected, provided that at least twelve (12) months of qualifying service shall lapse between the staff member's return from the deferred home leave and the subsequent home leave.
- (e) Eligible family members residing with the staff member at the duty station shall be entitled to home leave normally in conjunction with the travel of the staff member; however, an exception may be authorized by the Chairperson or the competent authority of any other organ, if the exigencies of the service or other special circumstances prevent the staff member and his or her family members from travelling together.
- (f) If both husband and wife are staff members and are eligible for home leave, either shall have the option to proceed on his or her own leave or to accompany his or her spouse. Dependent children, whose parents are both staff members and entitled to home leave at different times the Union shall cover the travel expenses for accompanying only one parent in one home leave cycle,

(g) (i) An eligible dependent child in attendance at an educational institution elsewhere other than the duty station, shall enjoy the benefit of travel expenses for one return journey, once in every school year between the school and the duty station or the school and the home country. Such travel should be aligned with the parent staff home leave arrangement.

(ii) The travel benefits for an eligible dependant may not be granted if attendance at the school is for a period less than two-thirds of the school year or if the Chairperson or the competent authority of any other organ considers the proposed travel to be unreasonable either because of its timing in relation to other authorized travel of the staff member or of other family members or because the length of stay would be too short in relation to the expenses involved.

Rule 40

Other Types of Leave

40.1 **Special Leave**

The Chairperson or the competent authority of any other organ may in exceptional circumstances grant a staff member, at his or her request, special leave for reasons of personal convenience or other important reasons. Not more than twenty (20) such authorized working days shall be taken during any calendar year and shall be charged to annual leave. Such leave may be granted any time within the calendar year subject to exigencies of service.

40.2 (a) **Compassionate Leave**

In the case of serious illness or death of a close family member (a spouse or child, father, mother or his/her child, brother, sister, mother-in-law and father-in-law), a staff member may apply for compassionate leave with full pay of up to ten (10) working days per year which shall not be deducted from the annual leave entitlement. Compassionate leave shall not be accrued.

(b) **Social Commitment Leave**

In the case of a wedding of a staff member, or of his/her child, a staff member may apply for five (5) consecutive working days leave with full pay per occasion, which shall not be deducted from the annual leave entitlement. Social Commitment Leave shall not be accrued. Not more than ten (10) such authorized days may be taken during any calendar year; any further days shall be deducted from annual leave.

40.3 **Study Leave**

A regular or continuing regular staff member may be granted study leave to enable him or her to undertake a course of study in the interest of the Union or to sit for an academic examination.

40.4 (a) **Study Leave with Pay:**

- (i) Where the regular or continuing regular staff member has been awarded a scholarship, bursary, and training grant by the Union, he or she shall be released on leave and shall continue to receive all entitlements and other allowances to which he or she is normally entitled in addition to any allowance granted under the award or grant.
- (ii) The conditions and terms for leave for training purposes shall be specified at the time of approval. However, study leave of up to a maximum of six (6) months can only be granted once in every five (5) years of qualifying service.

(b) Bonding:

A regular or continuing regular staff member released under the provisions in Rule 24.3 shall be required to sign, prior to departure, an agreement with the Union to refund all expenses related to the training if he/she:

- (i) resigns from his or her post before serving the Union for a period equal to twice the training duration that is six months' training equivalent to one years' service).
- (ii) Does not obtain a certificate of satisfactory attendance at the course;
or
- (iii) Does not return to his or her post; or
- (iv) Undertakes, without the specific approval of the Chairperson or the competent authority of any other organ, another course instead of the approved course.
- (v) After the completion of the approved course, undertakes another course;
- (vi) The bonding applies to training lasting for a period of six months maximum.

(c) If the place of the approved training course is elsewhere other than within commuting distance of the duty station, the staff member shall be eligible for payment of return travel for himself or herself alone between the duty station and the place of the course, as well as to training allowance provided for under these Rules.

(d) A regular or continuing regular staff member on a course shall be expected to devote himself or herself full-time to the course and shall not engage in any remunerated employment. Should he or she receive any salary or other emoluments from any other source during the training course, he or she shall not be entitled to any salary or allowance from the Union in respect of the same period. The staff member shall reimburse the Union of any training allowance or emoluments paid by the Union, if it is proven that he or she had received external source funding during the training period without authorisation of the Chairperson or the competent authority of any other organ.

(e) (i) A regular or continuing regular staff member wishing to follow a course of study in line with Rule 24.3 funded under a technical assistance scheme shall apply through hierarchical channels. In selecting candidates for nomination, paramount consideration shall be

given to the staff member's aptitude as well as the benefit of the course to the Union. Staff members attending such courses with the Union's approval shall continue to receive their normal salary and allowances and, if the course is held elsewhere other than at their duty station, the Training Allowance provided for under these Rules shall be paid.

(ii) The Union shall not be bound to endorse awards or any other aid of training arranged by a staff member without prior clearance by the Chairperson or the competent authority of any other organ or his / her authorized representative.

40.5 **Study Leave without pay**

- (a) Where a regular or continuing regular staff member is authorized at his or her request to take a training course without pay, the staff member shall be required to first exhaust his or her annual leave entitlement and thereafter shall not be entitled to salary or allowances for the duration of the study leave requested.
- (b) Leave without pay shall be granted up to a maximum of twelve (12) months within five (5) years of qualifying service.
- (c) Any period spent on leave without pay shall not count as part of a staff member's service and the staff member shall not be eligible for any service-related benefits.
- (d) A regular or continuing regular staff member, who has been released on leave without pay, shall at the expiry of his or her leave, resume duty or, failing which he/she shall be deemed to be separated from service.

40.6 **Leave of Absence:**

- (a) Leave of absence is granted at the request of a staff member for personal reasons and for a specific period. The leave of absence so requested shall first be drawn from the Staff Member's outstanding annual leave entitlement, if any, until it is exhausted before any new leave period is accrued. However staff member shall not be entitled to salary or allowances for the duration of the leave requested for.
- (b) Leave of absence may be granted for up to a maximum period of twelve (12) months within a period of five (5) years of qualifying service, and may be extended, but not for more than six (6) months.

40.7 **Leave in advance**

- (a) In exceptional circumstances, leave in advance may, upon the request of a staff member, be granted to staff to attend to emergency situations.
- (b) Regular and continuing regular staff members shall be granted a maximum of twenty-four (24) working days within a period of one year. Such leave shall be deducted later from the staff annual leave balance or from his or her final benefits.

Rule 41

Maternity Leave and Paternity Leave

41.1 Maternity Leave

- (a) A female staff member on Continuing Regular or Regular appointment, including the probationary period, shall be entitled to ninety-eight (98) calendar days of maternity leave, on full pay upon presentation of a medical certificate. The leave shall commence and approved by the Chairperson or the competent authority of any other organ as determined by the Union's Medical Services or a registered Medical Practitioner. In case of maternity leave during probationary period, the probationary period shall be extended for equal duration of maternity leave absence.
- (b) Female staff member on short-term contract and project staff shall be entitled to paid-maternity leave in the following manner:
- For staff with up to six (6) months contract or service Four (4) weeks
 - For staff with up to one (1) year contract or service Six (6) weeks
 - For staff with more than one (1) year contract or service Ten (10) weeks

41.2 A breast-feeding staff member shall be allowed up to one (1) hour free time per day to nurse her baby for up to a period of one (1) year.

41.3 (a) Sick leave shall not normally be granted during maternity leave except where serious relevant complications arise.

(b) Annual leave shall continue to accrue during the period of maternity leave.

41.4 Paternity Leave

On the occasion of the confinement of eligible spouse, a male staff member shall be entitled to five (5) working days of leave with pay excluding travel days. Paternity Leave shall not be accrued, converted into annual leave or cash payment. Failure to take Paternity Leave within the maternity leave period shall result to forfeiture of the leave days

41.5 Maternity and paternity paid leave shall be granted for up to a maximum of four (4) occasions during a staff member's entire period of employment in the Union. However, in cases of child mortality following birth, the female staff member may apply to the Chairperson or competent authority of any other organ for concession to go on maternity leave after exhausting the four (4) statutory maternity leave benefits.

RULE 42

SICK LEAVE

42.1 Sick Leave Entitlements

A staff member who is unable to perform his or her duties as a result of illness or injury shall be granted sick leave under the following terms and conditions:

- (a) Approval of Sick Leave – All sick leave must be approved by the Chairperson or the competent authority of any other organ on the advice of the Union's Medical Services or, at duty station outside the Headquarters, by a physician recognized by the Union.
- (b) A staff member on regular or continuing regular contract, whether confirmed or not, may be granted sick leave of up to three (3) months on full pay, and three (3) months on half pay in any period of twelve (12) consecutive months.
- (c) A staff member who holds a regular or continuing regular appointment for three years or who has completed three years (3) or more of continuous service shall be granted sick leave of up to three (3) months on full pay and three (3) months on half pay in any period of three (3) consecutive years.
- (d) Sick Leave for staff members on short-term contract, project staff and consultant shall be earned at the rate of four (4) working days per month. Such sick leave shall not be accrued or converted into annual leave or converted into cash payment.
- (e) (i) It shall be the responsibility of Staff members to inform their supervisors as soon as possible of their absence due to illness or injury or as a result of public health requirements and shall submit a medical certification or report promptly as required under these Rules.
 - (i) Any absence from duty on grounds of illness or injury exceeding ten (10) calendar days shall be supported by a medical report from the caretaker physician.
 - (ii) Any absence from duty on grounds of illness or injury of less than ten (10) calendar days shall be supported by a medical certificate from the Union's Medical Officer, or a duly qualified Medical Practitioner in respect of staff members at Regional/Representational Offices and field missions. The medical certificate should indicate that the staff member is unable to report for duty and state the probable duration of the illness.
- (f) A staff member who is on sick leave shall not leave his/her duty station without the prior approval of the Chairperson or the competent authority of any other organ. Absence from duty under this Rule shall be treated, as absence without authorization and Rule 59 shall apply.

(g) A staff member who has exhausted his or her sick leave entitlement under these Rules shall be examined by the Union Medical Panel to determine his or her fitness to continue in the service of the Union or whether to be separated from the service on medical grounds, as follows:

- (i) Staff members who have exhausted their statutory sick leave entitlements and who may require additional sick leave days, may, on the advice of the Union's Medical Panel, be granted up to a maximum of six (6) months sick leave without pay on the understanding that, should they fail to report for duty or are declared medically unfit for active duty after this period, the separation process of the staff member shall proceed in line with Rules 25.1, 68.1(c) and 68.2. Their substantive positions would be declared vacant and the usual process for filling the post shall be followed.
- (ii) A staff member may be required, where sufficient reasons so warrant, to undergo a medical examination by the Union's Medical Services or a duly qualified medical practitioner recognized by the Union to ensure that he or she is free from any condition likely to impair his or her ability to perform his or her functions or to endanger the health of others; and may be required to receive medical treatment thereafter. The staff member shall comply with any directive under this rule. A staff member and their dependents shall be required to undergo a medical examination once every two (2) years.

(h) Household Infectious Diseases

- (i) A staff member, in whose household there is any case of infectious disease, or who receives a quarantine order affecting his or her household, shall immediately inform the Union Medical Services, or if elsewhere other than at Headquarters, other physician recognized by the Union.
- (ii) If as a result of a quarantine order the staff member is directed not to report for duty, he or she shall receive his or her salary and other entitlements during the period of forced absence.
- (iii) Such period of quarantine shall not count towards sick leave stipulated in these Rules but shall be treated as special leave with pay.

(i) Sick Leave during Annual Leave/Home Leave

A staff member on annual or home leave shall be eligible for sick leave when admitted in hospital subject to submission of a medical report. The annual leave or home leave shall be extended by the number of approved sick leave days or credited to the leave balance.

(j) Sick leave days for all staff members shall not be accrued under any circumstances.

- (k) A Staff Member shall be required to fill and submit the Resumption of Duty Form upon return from any type of leave and from missions.

42.2 Medical Evacuation

The Union operates a contributory Medical Plan. All medical care including evacuations shall be administered within the framework of the plan or the relevant medical scheme operating in other Union offices. The Chairperson or the competent authority of any other organ shall authorize medical evacuation to the cheapest, closest and most direct country, which provides excellent quality of care, preferably in Africa. In the event that a patient selects alternative medical care sites and where the cost of medical care and travel are higher than those approved by the Union, the staff member shall be required to pay the additional cost arising from his or her decision, However, the Union shall require the staff member to present receipts justifying any medical expenditures.

- (a) **Medical diagnosis or treatment abroad:** In case of serious illness or injury, and it is deemed necessary for a staff member or eligible dependent to leave the duty station for further medical diagnosis or treatment, authorization for travel at the expense of the Union shall be given by the Chairperson or the competent authority of any other organ on the advice of the Union's Medical or Regional Medical Panel.
- (b) Where a Union's Medical Panel is not available, a group of at least two medical doctors appointed or recognized by the Chairperson or the competent authority of any other organ shall make the necessary recommendations.
- (c) The medical panel or group of doctors referred to above shall in particular, certify that facilities for the necessary diagnosis or treatment do not exist locally.
- (d) Nevertheless, if the life of the staff member or his/her eligible dependent is in danger, approval for medical evacuation may exceptionally be given by an appropriate medical authority on the spot, who shall submit a medical report.
- (e) **Period of Sick Leave on Evacuation:**
- (i) The period from the beginning of the staff member's travel on medical evacuation until the time he or she is fit to resume duty, shall be treated as paid sick leave.
- (ii) A staff member and/or his/her eligible dependent on medical evacuation shall be allowed two (2) calendar days of travel prior to the his/her arrival at the hospital/clinic where medical services would be offered and two (2) calendar days after finishing medical investigation / treatment and discharged from the hospital/clinic.

42.3 In-Patient Care for Staff Member/Eligible Dependent

- (a) If a staff member or his / her eligible dependent on medical evacuation is treated as an in-patient, he/she shall be entitled to a private room where applicable and twenty-five percent (25%) of Daily Subsistence Allowance applicable to the location for the approved medical evacuation period.
- (b) An eligible dependent under the age of five (5) years shall not be entitled to any Daily Subsistence Allowance whether they are treated as in-patient or outpatient.

42.4 Out-Patient for Staff Member/Eligible Dependent

If a staff member or his / her eligible dependent on medical evacuation is treated as an outpatient, he or she shall be entitled to the full Daily Subsistence Allowance applicable to the country and location concerned for the approved evacuation period. Rule 23.2 shall apply in the case of Daily Subsistence Allowance.

42.5 Accompanying Persons on Evacuation

- (a) Where a doctor or nurse is to accompany the patient, he shall be entitled to Daily Subsistence Allowance applicable to the country and location concerned and return travel.
- (b) Where a family member is to accompany the patient, he or she shall be entitled to return travel and fifty percent (50%) of Daily Subsistence Allowance if he or she stays with the patient in the accommodation provided by the hospital or one hundred percent (100%) Daily Subsistence Allowance where he or she is not accommodated by the hospital.
- (c) Any extension beyond the approved medical evacuation period both for the patient and any accompanying person shall be authorized only by the Chairperson or the competent authority of any other organ on the advice of the Medical Panel, failing which it shall be considered as unauthorized extension for which the Union shall not reimburse the concerned staff member and may subject him or her to disciplinary action.

42.6 Long Duration Medical Evacuation

Long duration medical evacuation shall mean an approved medical evacuation for a period of more than thirty (30) consecutive days. An outpatient on authorized long duration medical evacuation shall be paid Daily Subsistence Allowance as follows:

- i. For a maximum of three (3) months : One hundred percent (100%) of Daily Subsistence Allowance applicable to the country and location;

42.7 Medical Service Provider

Where the Union has not contracted a service provider for medical evacuation, a treatment-related local transport allowance shall be paid and accounted for on return in respect of each patient.

42.8 Post Medical Evacuation Follow-up Authorisation

Where a patient has been advised to report back for medical treatment, authorization for review shall be obtained after the Medical Panel or group of medical practitioners appointed for that purpose, have determined the need for the patient to return to the place where he or she was treated or whether the follow-up treatment could satisfactorily be provided at the duty station. The post medical evacuation shall be duly authorized by the Chairperson or the competent authority of any other organ.

CHAPTER IX
MEDICAL ASSISTANT PLAN AND OTHER
RELATED BENEFITS

Rule 43

43.1 Medical Assistance Plan

- (a) There shall be a Medical Assistance Plan that shall apply to all employees in all organs of the Union, which shall be reviewed from time to time.
- (b) Eligibility for participation of staff members into the Plan shall be spelt out in the employment contract.
- (c) Medical expenses incurred by eligible staff members and eligible dependants shall be refunded as provided by the Plan.
- (d) Medical expenses incurred outside the duty station shall be refunded under the Plan, provided the staff member concerned was on an authorized mission or approved leave where the expenses were incurred.
- (e) Medical expenses incurred by an eligible dependent who does not reside at the duty station of the staff member, shall similarly be refunded, provided the staff member has declared the place of residence of the dependent.

43.2 Compensation for Death, Injury, Illness or Disability attributable to Service

- (a) Staff members shall be entitled to compensation in the event of injury, illness permanent disability or death during their service with the Union. To this end, the Union shall maintain a life, accident and disability insurance scheme.
- (b) [In the event of death of a regular or continuing regular staff member, an immediate humanitarian grant of three (3) months' gross salary of the staff member shall be made available to the beneficiaries]. Bracketed for PRC
- (c) [In the event of permanent disability of a regular and continuing regular staff member leading to termination of service on medical grounds, a humanitarian grant of two (2) months' gross salary of the staff member shall be made available to the staff member or his/her beneficiaries.] Bracketed for PRC

- (d) Upon the death or permanent disability of a regular and continuing regular staff member as described in these Rules one hundred percent (100%) of the school fees for the next academic year shall be paid by the Union to the school. Such educational assistance shall be over and above the expenses for the on-going school year where applicable. This payment shall not be deductible from the staff member's separation entitlements.
- (e) An eligible beneficiary may request and be paid an advance of not more than two months' gross salary of the deceased in order to alleviate immediate financial hardship, which shall be deducted in full from the separation entitlements.

Rule 44

Pension

- 44.1 The Union shall establish and maintain a Pension Scheme as approved by the Executive Council.
- 44.2 All staff members of Groups I to IV shall participate in the Union Pension Scheme.
- 44.3 The terms and conditions of participation and the entitlement of staff members shall be as stipulated in the Pension Plan.
- 44.4 The Union shall establish an African Union Pension Fund Management Committee composed of representatives of Staff of Union Organs and Management to monitor the management of the Pension Fund so as to enable the Union to keep track of the investments of the Fund.
- 44.5 The Union shall establish a Retirement Medical Insurance Plan for its retiring, continuing regular and regular staff members.

CHAPTER X

TRAVELS

Rule 45

- 45.1** For the purpose of these Rules, travel expenses/costs shall mean:
 - (a) Air ticket and Ticket by land or by sea where applicable;
 - (b) Approved excess baggage/unaccompanied baggage;
 - (c) Airport tax and;
 - (d) Terminal expenses

45.2 Authority for Travel

All travel of staff members or their eligible dependents at the expense of the Union shall be authorized by the Chairperson or the competent authority of any other organ. It is the staff member's personal responsibility to make sure that he or she has such an authorization before undertaking any travel.

Rule 46

Types of Travel

- 46.1 Subject to the provisions set out in the Rules, the Union shall pay expenses/costs for the following types of travel:
- a. On official mission;
 - b. On initial appointment from the staff member's recognized home or place of recruitment to the duty station, provided such a staff member is considered to have been internationally recruited or from outside the city of his/her duty station;
 - c. On transfer or reassignment from one duty station to another;
 - d. On home leave, round trip journey from the duty station to the place recognized in his or her letter of appointment as his or her home or other authorized place;
 - e. On separation of a staff member from the service;
 - f. On travel authorized for medical reasons in accordance with these Rules;
 - g. On emergency evacuation for safety and security reasons;
 - h. For other appropriate and special reasons as may be authorized by the Chairperson or the competent authority of any other organ.

Rule 47

Route, Mode and Class of Travel

- 47.1 All travels shall in all instances be by the route, mode and standard of transportation approved in advance by the Chairperson or the competent authority of any other organ. The normal route shall be the most direct and most economical.

- 47.2 (a) Staff members and other AU Officials travelling on AU Official Mission in economy class for more than eight (8) continuous hours without breaking their journey, shall be upgraded to business class provided this upgrading shall not apply to travel on recruitment, transfer, separation, home leave, and emergency evacuation for security reasons at the duty station.
- (b) Where travel by land or sea is authorized, the class and conditions shall be specified by the Chairperson or the competent authority of any other organ.
- 47.3 Dependents of all other regular and continuing regular staff members whether travelling accompanied or unaccompanied shall travel in economy class.
- 47.4 The Chairperson or the competent authority of any other organ shall determine from time to time, conditions for payment of excess baggage charges, including those for transport of official documents and other materials, particularly for conferences and meetings organized by or in conjunction with the Union.
- 47.5 Regular and continuing regular staff members travelling on home leave shall be entitled to excess baggage on both sectors of the journey of ten (10) kilograms for staff and five (5) kilograms for each eligible dependant.
- 47.6 No staff member shall be entitled to use or convert any refund from unused tickets, PTAs and MCOs or from reduction in class of travel paid by the Union while on official mission, home leave, medical evacuation, initial appointment, transfer or reassignment of duty station. Any such refunds and unused tickets, PTAs and MCOs shall immediately be returned to the Union or the Organ of the Union at the end of the travel.
- 47.7 Whenever a staff member is authorized to use his or her own means of transport for official travel, he or she shall be paid mileage allowance at the current market rate provided the distance covered is more than fifteen (15) kilometres outside the duty station.
- 47.8 A staff member may claim refund of any other authorized or unforeseen expenses incurred during travel and not deemed to be covered by the Daily Subsistence Allowance, subject to submission of valid receipts and supporting documents. Such refund shall be authorised by the Chairperson or the competent authority of any other organ.

Rule 48

TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS

48.1 Travel on Initial Appointment

On initial appointment, the Union shall pay travel expenses/costs of the **regular** staff member and eligible dependents, who have fulfilled the required conditions, from the staff member's place of residence in the home country, place of normal residence or place from where he or she was recruited, to the

official duty station. Staff members on regular contract shall be entitled to the transportation of their household goods and personal effects at the rate of four thousand kilograms (4,000 Kg) in sea freight or One thousand three hundred and thirty-four kilograms (1334 Kg) in air freight. The claim for payment of shipment shall be made by the staff member within one year of assumption of duty. The Chairperson or the competent authority of any other organ shall establish a Transportation of Personnel Effects Policy.

48.2 **Travel on Transfer**

The Union shall pay travel expenses/costs of a staff member on transfer and eligible dependents from the duty station to the place of transfer. Staff members on Continuing Regular or Regular contract shall be entitled to receive payment from the Union for the transportation of their household goods and personal effects at the rate of six thousand Kilograms (6,000Kg) in sea freight or two thousand and four Kilograms (2,004Kg) in airfreight based on the cheapest prevailing rates of three quotations for the service.

48.3 Travel on Separation

- On separation of a continuing regular or regular staff members who has served the Union for more than five (5) years, the Union shall pay travel expenses of the staff member and eligible dependents from the duty station to the home country or to some other place of his or her choice, provided the cost does not exceed the cost of transportation to the home country or the place of recruitment. The staff members shall be entitled to receive payment from the Union for the transportation of their household goods and personal effects at the rate of six thousand Kilograms (6,000Kg) in sea freight or two thousand and four Kilograms (2,004Kg) in airfreight based on the cheapest prevailing rates of three quotations for the service.
- 48.4 Staff members on regular contract who resign after having served the Union for a period between one (1) year and five (5) years shall be entitled to an economic class air ticket for themselves and eligible dependents from the duty station to the home country and seventy percent (70%) of the transportation cost of their household goods and personal effects.
- 48.5 Staff members on regular contract who resign in less than one (1) year of service shall only be entitled to an economic class air ticket for themselves and eligible dependents from the duty station to the home country. No payment for transportation of household goods and personal effects shall be made.
- 48.6 Internationally Recruited Staff members on short-term contracts or fixed term contracts shall be entitled to an air ticket and one hundred kilograms (100 kg) in addition to their air travel luggage entitlement.
- 48.7 Staff members who are dismissed from the service of the Union shall be entitled to an air ticket for themselves and eligible dependents from the duty station to the home country.
- 48.8 It shall be the responsibility of the staff members, not the Union, to sign a contract and follow up with his or her goods with the shipping agency selected among the three bids offering the cheapest prevailing shipping rates.
- 48.9 Staff members serving in their own country outside the city of the duty station and who resign from the Union, shall be entitled to local transportation for themselves and eligible dependents and personal effects up to their home area.

Rule 49

Travel of Eligible Dependents

- 49.1 Where a staff member on continuing regular or regular contract has been authorized to travel with eligible dependents, the Union shall meet the expenses for the staff and the eligible dependents on appointment, transfer,

home leave or separation, and it shall pay travel expenses/costs of the dependants in the appropriate class of travel.

- 49.2 Payment may also be authorized for one way travel to the home country (or other place provided the cost is not higher than to the home country) and twenty kilograms (20Kg) of excess baggage of a divorced spouse or of a child who has ceased to be a dependent provided in the latter case. Travel shall be undertaken within one year following the cessation of dependency or the completion of a course of study.

Rule 50

Travel Expenses and Transportation in Case of Death

- 50.1 In the event of death of a staff member or his or her eligible dependent, the Union shall bear the expenses of transporting the deceased's remains from the duty station or, if death has occurred outside the duty station, from the place of death, to the staff member's home country, place of normal residence or place of choice of the family on the condition that the cost is not higher than to the home country.
- 50.2 These expenses shall include the following:
- (i) Cost of the coffin;
 - (ii) Undertakers' fees;
 - (iii) Reasonable cost for the funeral ;
 - (iv) An economy class return air tickets for the staff member and/or eligible family members;
 - (v) In the absence of a spouse, an economy class return air ticket for a close relation or friend of the deceased staff member;
 - (vi) An economy class return air ticket for a representative of the Chairperson of the Union or the competent authority of any other organ.
- 50.3 The Union shall pay Daily Subsistence Allowance for the appointed representative only.
- 50.4 If local internment is chosen, rather than return to home country, reasonable expenses incurred for the internment shall be paid by the Union. Such expenses shall not exceed the least of the three quotations.
- 50.5 In case of death of a staff member, or his or her eligible dependent, the Union shall bear the expenses of round trip travel for close relations or next of kin of the staff member to enable him or her accompany the mortal

remains. The Chairperson or the competent authority of any other organ shall also designate his or her representative to accompany the mortal remains.

- 50.6 The Union shall pay one-way travel expenses of the eligible dependents of the deceased, including the transportation of their personal effects and household goods to the home country or place of recruitment of the deceased staff member or to any other country of choice provided the cost to the Union shall not be more than transportation to the deceased's home country. Repatriation entitlement shall cease within a year after the date of death of the staff member.
- 50.7 In the case of death of the parents of the regular and continuing regular staff member including mother-in-law and father-in-law, the Union shall provide the staff member with an economy class return ticket to the home country to enable him or her attend the funeral service. The compassionate leave days shall be applicable as specified in Rule 40.2 above.

CHAPTER XI

STAFF RELATIONS

RULE 51

STAFF ASSOCIATION AND RELATED MATTERS

51.1 Staff Association and Related Matters

- (a) In accordance with Regulation 10 of the Staff Regulations, the Union shall recognize and respect the principle and practice of free, frank and responsible exchange of views and ideas with its staff on matters of mutual concern, with a view to achieving staff motivation, cooperation and team-building spirit in advancing its goals and objectives. In pursuance of this policy, the Union shall recognize the Staff Association and liaise with it in providing proper machinery for any formal negotiations and consultations related to the work and welfare of staff members.
- (b) The Union shall provide office space and the necessary equipment and facilities to the Staff Association to enable it effectively accomplish its mandate under these Regulations and Rules. .
- (c) The Union shall also ensure that the President and the Secretary of the Staff Association, as well as any other designated member, when necessary, are granted sufficient time off their regular duties to perform Staff Association functions.

- (d) The Staff Association shall establish rules and procedures for the conduct of its business. Whereas the operations of the Staff Association shall not be funded by the Union's budget, the staff welfare fund may sometimes be used to assist in financing the activities of the Association.
- (e) Without prejudice to the provisions of paragraph (b) above, every staff member is free to:
 - (i) Join a specialized or group of associations open to staff members in or outside their duty station with a view to broadening their horizons and experiences, provided it is consistent with Union objectives.
 - (ii) Establish or join associations whose membership is restricted to staff members but which are mainly concerned with specialized professional or group interests provided the aims and objectives of such associations are not in conflict with those of the Union.
- (f) While actual participation by a staff member in the affairs of the Staff Association or any other association under these Rules shall be encouraged, lack of such participation shall not prejudice the staff member's official career.
- (g) (i) The staff representative bodies shall be entitled to effective participation, through their duly elected executive committees, in identifying, examining and resolving issues relating to staff welfare, including conditions of work, general conditions of life and other personnel policies, and shall be entitled to make proposals to the Chairperson or the competent authority of any other organ on behalf of the staff.
 - (ii) The Chairperson or the competent authority of any other organ may authorize members of the Staff Association to attend meetings, seminars, etc. organized by other similar Staff Associations if such fora contribute to the promotion of harmonious staff/management relations.
 - (iii) Any leave granted to a staff member to undertake Staff Association activities shall be taken as special leave with pay. However, the Union shall not be responsible for the expenses that may be incurred by the staff member except where the Chairperson or the competent authority of any other organ feels that such an event will be of benefit to the Union.

No staff member shall be penalized or victimized for his/her role in a legitimate staff association activity, provided that, such role/activity is not unlawful or in violation of the Union's Rules.

51.2 Cooperation and Team Spirit

The Union recognizes the importance of cooperation among staff members for the achievement of Union's goals. It, further, recognizes that such cooperation emanates from, and generates good staff relations. In pursuance of this principle:

- (a) Union Organs shall hold staff meetings aimed at promoting free flow of information and open exchange of views and ideas between Management and staff members as often as the need arises.
- (b) Management shall create a conducive atmosphere and promote the principles of mobility and versatility so as to increase motivation, creativity, productivity, efficiency and accountability, taking into account the skills and competencies of staff.
- (c) A staff motivation scheme shall be established to reward outstanding contribution to the Union and an annual lump sum shall be set aside from the regular budget of the Union in order to cater for the expenses of the Scheme. Such reward may be monetary or non-monetary to recognize outstanding or meritorious service to the Union.
- (d)
 - (i) Staff shall be encouraged through appropriate structures in the various departments, divisions, and units to participate in the decision-making process in order to strengthen collective responsibility and team spirit as well as give staff access to relevant information on the activities of the Union to enable them to represent the organ adequately as the need arises.
 - (ii) A mechanism shall be established to create a network and a conducive environment to encourage interaction between former and existing staff members.

51.3 General Staff Meetings

The Chairperson or the competent authority of any other organ shall meet all staff at General Staff Meetings as often as the need arises.

51.4 Open-Door Policy

Elected Officials, Directors, Heads of Mission, Heads of Divisions/Units and all those placed in positions of authority shall set aside adequate periods of time for discussing staff members' concerns, whether such concerns are work-oriented, career oriented or personal.

51.5 Suggestion Boxes

Recognizing that some staff members may hesitate to publicly air their complaints, feelings or views, Suggestion Boxes shall be installed at strategic places to enable

those staff members to express themselves anonymously. All Suggestion Box matters shall be directly forwarded to the Deputy Chairperson or the competent authority of any other organ who shall review them and take appropriate action.

51.6 Recreation

- (a) The Union encourages the participation of staff members in sporting and recreational activities where such activities are likely to have a positive social influence and motivational value to them. Where possible, sporting and recreational facilities shall be provided.

(i) Social Activities:

The Union shall organize social activities from time to time subject to availability of funds. Such activities shall include end of year get-together parties at which Merit and Service Awards shall be presented in recognition of a staff member's outstanding performance, initiative, innovation and long service to the Union.

(ii) Counselling Services:

Counselling services shall be made available to staff members with a view to enabling them to deal with their problems effectively, whether the causes of such problems be domestic, work-related or personal.

Rule 52

Service Recognition Award Scheme

52.1 There shall be an Annual Service Recognition Award Scheme in the Union. This scheme shall recognize staff members who excel in the performance of their duties. It shall recognize:

- (a) long service of, ten (10), twenty (20), twenty- five (25) and thirty (30) years of service;
- (b) exceptional / meritorious service rendered.

52.2 This award system shall consist of honorary awards, certificates, congratulatory messages and medals.

Chapter XII

PERSONNEL ADVISORY BODIES

Rule 53

Composition and Terms of Reference of Personnel Advisory Bodies

The composition and terms of reference of the Personnel Advisory Bodies provided for under Regulation 11 of the Staff Regulations are defined under these Rules.

Rule 54

Joint Advisory Committee on Administrative Policies

- 54.1 The Joint Advisory Committee on Administrative Policies shall be competent to consider all matters of general concern and interest to the staff such as personnel policies, changes in the Staff Regulations and Rules or in administrative instructions and procedures and issues concerning conditions of work and welfare. It shall not examine cases of individual staff members.
- 54.2 The Committee shall consider all matters referred to it by the Chairperson or the competent authority of any other organ. It may also decide to include in its agenda, issues raised by the Chairperson of the Committee or any of its members or by the organs of Staff Association.
- 54.3 The Joint Advisory Committee on Administrative Policies shall be composed of:
- a. Two (2) Senior Officials designated by the Chairperson or the competent authority of any other organ for a term of one year, one of whom appointed in consultation with the staff Association shall be designated to serve as the Chairperson of the Committee.. They shall be eligible for re-designation for another term of one year as the Chairperson or the competent authority of any other organ may deem fit. If a designated member of the committee is unable to attend a meeting, he or she may be replaced by an alternate;
 - b. The Director of the Department of Administration and Human Resource Development or his/her representative;
 - c. The Legal Counsel or his/her representative;
 - d. Director of Women, Gender and Development Directorate or his/her representative;
 - e. Four (4) staff members designated by the Staff Association for a term of one year;

- f. The Head of Human Resources Development Division as an ex-officio non-voting member, who shall act as Secretary.
- 54.4 The Joint Advisory Committee on Administrative Policies shall adopt its own rules or procedures, which shall be consistent with these Staff Rules and with any applicable Administrative Notices.
- 54.5 The Committee shall meet at least twice a year and/or as often as required. The Committee's report, containing the summary of its deliberations and its recommendations, shall be submitted by the Chairperson of the Committee to the Chairperson or the competent authority of any other organ for consideration.

Rule 55

Appointment, Promotion and Recruitment Board (APROB)

Composition

- 55.1 The Union shall establish an Appointment, Promotion and Recruitment Board, (APROB), which shall be responsible for all recruitment, appointments, promotions and staff development. The Committee shall to the extent possible be composed of:
- (a) The Deputy Chairperson or the Deputy Head of the competent authority of any other organ, who shall chair the Committee;
 - (b) The Director of the Department of Administration and Human Resource Development;
 - (c) The Legal Counsel;
 - (d) One senior Official designated by the Chairperson or the competent authority of any other organ;
 - (e) Two (2) staff members designated by the President of the Staff Association, where applicable;
 - (f) A representative of the Directorate of Women, Gender and development.
 - (g) A representative of the Department concerned where applicable who shall possess expertise relevant to the post being filled; and
 - (h) An external resource person may be co-opted to assist the Board and who is of sufficient status and expertise from a Member State or an international organization represented in the host country who is not a national of the same State as any of the candidates for the post being filled or the staff member whose case is being examined;

- 55.2 No member of the Committee in a grade below the grade level of the staff member whose case is being examined shall take part in the proceedings;
- 55.3 The Director of the Department concerned may be in attendance in an ex-officio non-voting capacity when the matter under discussion is being considered, if required;
- 55.4 The Head of Human Resources Division shall act as Secretary and shall be ex-officio non-voting member.

Sub-Committees

- 55.5 (a) The APROB may constitute from among its members or their representatives, Sub-Committees or Panels to consider particular cases or categories of cases. Such Sub-Committees or Panels, shall normally be chaired by the Director of the Department of Administration or his/her representative. Unless otherwise decided by the APROB, the reports of the Sub-Committee or Panels shall be submitted to the main APROB Board.
- (b) The Heads of the Union's Regional/Representational Offices shall set up Panels under the auspices of APROB whose membership shall be approved by APROB. The decisions made by these panels shall be subject to verification and endorsement by APROB. Their responsibilities shall be limited only to the GSA/GSB categories of staff.

Functions of APROB

- 55.6 The functions of APROB shall be to consider and make recommendations to the Chairperson or the competent authority of any other organ on all proposals for action relating to staff members in respect of:
- (a) Recruitment and appointment, probation, re-employment, and re-instatement;
 - (b) Evaluation of staff members for promotion, termination, demotion, confirmation or extension of probation as a result of the performance assessment process;
 - (c) Withholding of within-grade increment or grant of accelerated advancement;
 - (d) Any other proposals for action concerning the personnel status of individual staff members which may be brought to its attention;
 - (e) The Board shall not be concerned with disciplinary cases.

Rule 56

Union Medical Panel

- 56.1 The Union Medical Panel shall be composed of members who are the Union's Medical Officers and or other medical practitioners in regular or consultative service of the Union. The Chairperson or the competent authority of any other organ may authorize another staff member to represent him/her or from the Staff Association to join the panel on specific cases.
- 56.2 The Panel shall elect one of its members as Chairperson, for each case before it, and shall establish its own rules of procedure, which shall be consistent with these Rules and any relevant Administrative Notices.
- 56.3 The Panel shall meet as and when necessary and examine all cases referred to it and shall examine all cases referred to it by the Union's Medical Officer or by the Head of Human Resource Development of the organ concerned relating to:
- (a) The physical or mental fitness of a person to be appointed to the Commission;
 - (b) Prolonged illness after exhaustion of sick leave entitlement;
 - (c) Termination on grounds of ill-health;
 - (d) Service-incurred accident injury, illness or death;
 - (e) Resumption of service after disability or protracted illness;
 - (f) Medical evacuation, and
 - (g) Any other related cases.
- 56.4 The Panel's deliberations shall be confidential. Its conclusions or recommendations shall be presented to the Chairperson or the competent authority of any other organ.
- 56.5 **Medical Arbitration**
- (a) Where a concerned staff member disputes the decision of the Medical Panel, the matter shall be referred upon his/her written complaint, to an independent medical panel acceptable to both the Union and the Staff Member. This independent medical panel shall be convened within fifteen (15) working days by the Chairperson or competent authority of any other organ and shall be composed of:
 - (i) A Medical Practitioner selected by the staff member;

- (ii) A medical practitioner designated by the Union;
 - (iii) A third medical practitioner shall be selected by both parties and shall not be a medical officer of the Union;
- (b) The decision of the independent medical panel shall be final and binding on all parties.

CHAPTER XIII DISCIPLINARY MATTERS

Rule 57

Disciplinary Board

- 57.1 The Disciplinary Board established in accordance with the Staff Regulations shall advise the Chairperson or the competent authority of any other organ on disciplinary measures if any to be instituted against a staff member. A Disciplinary Board per case shall be composed of the following members:
- (a) Three members appointed by the Chairperson or the competent authority of any other organ and one of these three members shall be appointed in consultation with the Staff Association and tasked with the responsibility to chair the Board proceedings. One of the other remaining two (2) appointed members by the Chairperson shall not be of a grade lower than that of the staff member whose case is being heard;
 - (b) Two (2) members from the Staff Association;
 - (c) Director of Administration and Human Resources Development as a Non-Voting Member. (Check Fr. Translation)
 - (d) The Legal Counsel or his/her Deputy as resource person.
 - (e) The Head of Human Resources Development Division or his/her representative shall serve as the Secretary to the Board. He / she shall not participate in the proceedings nor proffer any opinion or exercise any voting right in the deliberations of the Board.
 - (f) The Chairperson or the competent authority of any other organ may, at the staff member's request, and provided he or she deems the request justified, excuse up to two members of the Board once from participating in the proceedings of a specific case and shall replace the excused Board member by another staff member of the same category.

57.2 Examination and Deliberation

- a) The Director of Administration and Human Resources Development or his/her representative, upon filing a charge against a staff member, shall participate in the proceedings as a witness on behalf of the Administration and at the same time a resource person providing needed information and documents to the Board.
- b) The Board shall be constituted to hear and determine a disciplinary case or cases and shall be fully seized of those matters.
- c) The Board shall examine cases referred to it by the Chairperson or the competent authority of any other organ.
- d) The deliberation of the Board shall be strictly confidential. All its members and resource persons shall respect those Rules and Regulations, as well as the confidential character of the Board's proceedings, before, during and after the deliberations.

Rule 58

Acts of Misconduct

- 58.1 The Disciplinary Board shall have jurisdiction over acts of misconduct violating the provisions of the Constitutive Act, Code of Conduct and Ethics, Staff Regulations and Rules, Financial Rules and any other regulations or rules requiring honesty and integrity from a staff member in the performance of his or her duties and in his or her personal conduct, particularly including but not limited to the following acts or omissions:...
- (i) Commission of unlawful acts irrespective of whether the staff member was on official duty or not;
 - (ii) Misrepresentation or false certification in connection with any claim or benefit from the Union, including failure to disclose a fact material to that claim or benefit;
 - (iii) Serious assault, verbal or physical, harassment, (including sexual harassment), or threats to other staff members;
 - (iv) Misuse of office and/or abuse of authority;
 - (v) Breach of confidentiality;
 - (vi) Abuse of privileges and immunities;
 - (vii) Insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable orders;

- (viii) Unauthorized habitual absence from duty without valid cause or absence without permission;
- (ix) Habitual tardiness in reporting for duty;
- (x) Refusal to carry out lawful instructions;
- (xi) Riotous or disorderly behaviour within the premises of the Union or acts subversive to good discipline;
- (xii) Negligence or neglect of duty;
- (xiii) Taking or giving bribes or any illegal gratification;
- (xiv) Negligence or omission to perform duties causing financial loss or damage to the Union's property or reputation;
- (xv) Theft, fraud, dishonesty, forgery, misappropriation or misuse of official funds, stores or property including electronic data, files, records and documents;
- (xvi) Reporting for duty drunk or drinking of intoxicating liquor, and/or prohibited intoxicating drugs during working hours;
- (xvii) Wilfully or negligently exposing others to psychological or physical danger, injury or torture;
- (xviii) Acts of intimidation;
- (xix) Immoral, indecent or disgraceful conduct;
- (xx) Aiding and abetting trespass with intent to commit a crime;
- (xxi) Knowingly withholding information on any staff member who is inefficient or incompetent or dangerous to the security of the Union;
- (xxii) Wilful, unfounded allegations or defamation against other staff members;
- (xxiii) Disclosure of official information without permission;
- (xxiv) Acts of violence;
- (xxv) Abscondment;
- (xxvi) Taking, communicating, possessing and photocopying official documents and information in all forms that pass through in the course of duty without authorization.
- (xxvii) All evidenced illegal acts outside official duties of a staff member

- 58.2 Any other charges may be proffered by the Chairperson or the competent authority of any other organ as justifiable reasons for instituting disciplinary measures against a staff member.
- 58.3 No staff member shall be charged for misconduct without communicating to him or her, in writing, the allegations made against him or her and providing him or her an opportunity to respond in writing.
- 58.4 A disciplinary case may not be referred to the Disciplinary Board:
- (a) If referral to the Disciplinary Board has been waived by mutual agreement of the staff member concerned and the Chairperson or the competent authority of any other organ;

Rule 59

Disciplinary Procedures

- 59.1 The Director of Administration and Human Resource Development or the competent authority of any other organ shall, upon receipt of information on a staff member's breach of obligation set out in the Staff Regulations, Rules, Financial Regulations and Rules and other relevant rules and regulations including administrative notices, conduct a fact finding process and the concerned staff member shall be immediately notified, provided such notice will not compromise the investigation.
- 59.2 Until the investigation is completed and a prima facie case established against the Staff member, the Director of Administration and Human Resource Development shall not draw any conclusion by reference to the name of staff member without the concerned staff member being invited and asked to comment on facts concerning him or her.
- 59.3 The Director of Administration and Human Resource Development shall inform the staff member of the results of the fact finding within a period of six (6) months unless otherwise extended by the Chairperson or the competent authority of any other organ and shall make available to him or her, the report and all relevant facts related to the allegations made against him or her.
- 59.4 Where the fact finding does not establish any case against the staff member, the case in question shall be closed without any further action and the Director of Administration and Human Resource Development shall immediately inform the staff member.
- 59.5 Where on the basis of the fact finding report prepared by the Director of Administration and Human Resource Development and the response thereto by the staff member a prima facie case is established against the staff member, the Director of Administration and Human Resource Development

- shall file charges against the Staff Member with the Disciplinary Board through its Secretariat following the approval of the Chairperson or the competent authority of any other organ.
- 59.6 The Director of Administration and Human Resources Development or any competent authority shall file eight (8) copies of the charge(s) together with all relevant documents and a proof of service on the Respondent Staff Member with the Disciplinary Board's Secretary.
- 59.7 The Respondent Staff Member shall within 20 working days of receipt of the charges, file 8 copies of his or her reply with the Secretary of the Disciplinary Board together with a proof of service of the reply on the Director of Administration and Human Resource Development. Where a Respondent is unable to file his or her reply within the timeframe, he or she may request an extension through the Directorate of Administration and Human Resource Development for a further period of 10 working days.
- 59.8 Where the Respondent fails to file his or her Reply within the stipulated time, it shall not prejudice the investigation and sitting of the Board to deliberate on the charges filed by the Chairperson or any competent authority of any other organ.
- 59.9 The Director of Administration and Human Resource Development shall within 5 working days of receipt of the Respondent's reply or upon the expiration of 15 days without receipt of a reply from the Respondent, forward copies of the Charge and Reply if any, to the Chairperson or the competent authority of any other organ requesting him or her to convene the Disciplinary Board to deliberate on the matter and recommend to him or her disciplinary measures to be taken against the Respondent Staff Member.
- 59.10 The Director of Administration and Human Resource Development shall upon the receipt of the Chairperson's or the competent authority of any other organ's approval to constitute and convene the Board in accordance with Rule. 58 write and forward copies of the charges and reply to all constituted Board members within 5 working days.
- 59.11 The Director of Administration and Human Resource Development shall liaise with the Board members in setting up a hearing date with a clear understanding that matters of the Disciplinary Board shall take a priority over any other official engagement by a Board member unless, by a written request addressed to the Chairperson or the competent authority of any other organ and copied to the Director of Administration and Human Resource Development, the Chairperson or the competent authority of any other organ decides to relieve a Board Member of his or her responsibility to sit in a particular hearing. The Chairperson or the competent authority of any other organ shall substitute him or her in writing by an equally qualified and competent Staff Member.
- 59.12 The Board members shall, upon receipt of the Charge and Reply, convene a meeting within one month. Notice of the meeting shall be communicated to all concerned parties, at least two weeks before the hearing date.

- 59.13 The Board may reserve the right to conduct proceedings on any matter based solely on the written presentation of Charge(s), together with any reply and or rebuttals. The Respondent Staff Member shall have the right to appear in person before the Board. Where the Board considers that it requires the testimony of the Respondent staff member or other witnesses, it may obtain such testimony either in writing or by personal appearance before the Board or by telephone or other certified means of communication
- 59.14 The Respondent staff member shall be permitted to be represented before the Board by a lawyer or a fellow staff member of his/her choice and at his/her own expense.
- 59.15 The proceedings of the Board shall be considered valid only if two-thirds of its members are present.
- 59.16 The Board shall adopt its findings by a simple majority of its membership and its report containing its findings and recommendations together with any minority opinion, prepared by the Secretary of the Disciplinary Board or his/her representative, signed by all its members present and submitted by the Chairperson of the Disciplinary Board to the Chairperson or the competent authority of any other organ.
- 59.17 The Chairperson or the competent authority of any other organ shall, upon receipt of the recommendation from the Board, take a decision and notify the staff member and concerned parties within 30 days.
- 59.18 No staff member shall be permitted to tender a resignation while having a pending disciplinary proceeding instituted against him/her.

Rule 60

Criminal Proceedings Instituted against a Staff Member outside the Union

- 60.1 Disciplinary proceedings shall also be commenced against a staff member for misconduct outside his official engagement. In a case where a staff member is charged with a criminal offence, other than a minor traffic offence, or any similar offence, he or she shall report the offence to the Chairperson or the competent authority of any other organ in accordance with relevant provisions laid down in these Regulations and Rules.
- 60.2 Where a staff member is charged with serious criminal offence and the Disciplinary Board considers that the Staff member's continued performance of his or her duties is against the interest of the Union or prejudicial to the trial, the Chairperson or the competent authority of any other organ may suspend the staff member from carrying out his or her duties pending the outcome of the trial.

- 60.3 [A staff member under suspension referred to in this Rule shall receive half of his or her basic salary, and full allowances, provided that the period of suspension shall not exceed three (3) months. He or she shall be given a written statement of the reasons for the suspension, the conditions of the suspension and its probable duration].
- 60.4 A staff member on suspension shall cease to perform his or her duties or report for duty. However, he or she shall not leave his or her duty station without the written and specific approval of the Chairperson or the competent authority of any other organ during the period of investigations and the conduct of proceedings.
- 60.5 No staff member shall be permitted to tender a resignation while on suspension or while having a pending criminal proceeding against him/her.
- 60.6 (a) A suspended staff member who has been acquitted of the criminal offence with which he or she was charged shall be entitled to receive any part of his or her entitlements which was withheld upon his/her suspension. The staff member shall be reinstated in the post
- (b) Where on the other hand, he or she is convicted and is subsequently dismissed from the service; he or she shall not be paid the withheld entitlements.
- (c) Nothing, however, shall prevent the Chairperson or the competent authority of any other organ from taking disciplinary action after consultation with the Disciplinary Board, against an acquitted staff member on grounds of any other charge arising from the staff member's conduct in the matter, provided the charge shall not be the same as the criminal charge of which the staff member has been acquitted or raise substantially the same issues as the criminal charge of which he or she has been acquitted.
- 60.7 If the staff member is convicted on a criminal charge, the Chairperson or the competent authority of any other organ in consultation with the Disciplinary Board, shall consider the decision of the criminal court. If, after considering the decision of the criminal court, the Chairperson or the competent authority of any other organ is of the opinion that the staff member should be dismissed or that disciplinary measures should be taken against him or her, the Chairperson or the competent authority of any Organ shall take the appropriate action in accordance with these Rules.

CHAPTER XIV

INTERNAL RECOURSE MECHANISMS

Rule 61

Administrative and Disciplinary Measures

61.1 The severity of disciplinary penalties imposed against a staff member found guilty of misconduct or in violation of the Regulations and Rules shall be commensurate with the seriousness of the offence or wrong doing. The following considerations shall guide the Board and the Chairperson or the competent authority of any other organ in the determination of any disciplinary penalty against a Respondent staff member:

- (a) the nature of the misconduct and the circumstance in which it occurred;
- (b) the extent to which the misconduct adversely affects the integrity; reputation or interests of the Union;
- (c) the extent to which the misconduct involves intentional actions or negligence;
- (d) the motives for the staff member's misconduct;
- (e) the staff member's grade and seniority;
- (f) the degree of the staff member's personal responsibility;
- (g) the level of the staff member's duties and responsibilities;
- (h) the conduct of the staff member during the course of his or her career;

The types of sanction to be elaborated in relations with the offences listed earlier so as to ensure equity and transparency of the actions of the Union.

61.2 Administrative Measures

The Chairperson or the competent authority of any other organ may take administrative as well as disciplinary measures against a staff member found in breach of the Regulations and Rules of the Union. He may issue an oral or written warning or reprimand against a staff member.

61.3 Disciplinary Sanctions:

The disciplinary sanctions, which the Chairperson or the competent authority of any other organ may take against a staff member in application of these Regulations and Rules shall be as follows:

- (a) **Written Censure:** a censure shall be recorded in the staff member's file;.
- (b) **Deferment, Withholding or Forfeiture of Annual Increment:** - In imposing this sanction, the Chairperson or the competent authority of any other organ shall specify whether the step or steps withheld are forfeited for that year or whether one or more of them may be restored should there be no recurrence of unsatisfactory conduct within a period fixed by the Chairperson or the competent authority of any other organ;
- (c) **Suspension without Pay:** A staff member suspended without pay as a disciplinary measure, as distinct from suspension pending investigation, shall cease to perform his or her duties and shall cease to receive salary and allowances for the period of suspension. The period of suspension without pay shall not exceed thirty (30) calendar days.
- (d) **Reimbursement for losses:** In imposing this sanction, the Chairperson or the competent authority of any other organ shall specify the amount to be reimbursed by the staff member due to his or her negligence in violation of the Financial Rules and Regulations of the African Union.
- (e) **Denial of Promotion:** In imposing this sanction, the Chairperson or the competent authority of any other organ shall specify the number of years up to maximum period of three (3) years for which the staff member shall not be promoted or advanced to another step.
- (f) **Demotion:** Unless otherwise specified by the Chairperson or the competent authority of any other organ, a staff member who is demoted shall not be eligible for promotion before the expiry of a maximum period of three (3) years from the date of the demotion.
- (g) **Separation** from the Service, with or without notice or compensation in lieu thereof.
- (h) **Dismissal:** A staff member who is dismissed shall not be entitled to the following:
 - a. Notice or pay in lieu of notice.
 - b. Severance pay.
 - c. Pension contribution paid by the Union.
- (i) **Summary Dismissal:** A staff member who is summarily dismissed shall not be entitled to the following :
 - a. notice or pay in lieu of notice
 - b. Severance pay.

c. Pension contribution paid by the Union.

(j) **Suspension on Prima Facie Evidence**

The Chairperson or the competent authority of any other organ may suspend a staff member with pay upon receipt of prima facie evidence related to gross misconduct, financial or audit report incriminating him or her for fraud, embezzlement, inappropriate allocation of Union funds or where the staff member is unable to validly account for expenditure of Union's fund. The suspension shall not be for more than an accumulated period of three (3) months pending the decision of the Chairperson or the competent authority of any other organ following the recommendations submitted to him or her by the Disciplinary Board. A staff member, while on suspension, shall not be allowed to travel outside his or her duty station without permission and may be restricted to access certain premises of the Union.

61.4 The following measures shall not be considered disciplinary measures within the meaning of this rule:

(a) Warning, written or oral, by a supervisory official;

Rule 62

Appeals

62.1 Administrative and Disciplinary Decisions

62.1.1 Administrative Decision

Any staff member wishing to appeal against an administrative decision against him or her, pursuant to Regulation 12 (a), shall, as a first step, address a letter to the Chairperson or the competent authority of any other organ requesting that the administrative decision in question be reviewed; such a letter must be sent by courier service if the staff member is serving outside the Headquarters, within thirty days from the date of receipt of the contested decision. If upon review, the Chairperson or the competent authority of any other organ confirms the original decision or if no reply is received by the staff member within thirty (30) days, the staff member shall be entitled to file, within a further thirty (30) days, an appeal with the Administrative Tribunal in the form prescribed in the tribunal's rules of procedure.

62.1.2 Disciplinary Decisions

Any staff member wishing to appeal against any disciplinary decision issued by the Chairperson or the competent authority of any other organ to the Administrative Tribunal shall do so within thirty (30) days of receipt of the disciplinary decision. Where a staff member alternatively wishes to appeal for a review of a disciplinary board decision to the Chairperson or the competent authority of any other organ he or she shall file his or her appeal within thirty (30) days of receipt of the decision.

62.1.3 The filing of any appeal to the Administrative Tribunal shall not have the effect of suspending the execution of the decision being contested, unless the Chairperson or the competent authority of any other organ decides otherwise.

62.2 Administrative Tribunal

The Administrative Tribunal established by the Executive Council shall be competent to hear appeals submitted by staff members or their beneficiaries, alleging violation of the terms of appointment, including all applicable provisions of the staff Regulations and Rules, or appeals against administrative and disciplinary measures. The Administrative Tribunal shall meet in accordance with provisions stipulated in its Statutes and Rules of Procedures specified in Rule 78.1.

62.3 Appeals to the African Court of Justice and Human Rights

In the event of breach of contract of employment or violation of these Regulations and Rules, a staff member who has exhausted all the internal procedures provided for by these Regulations and Rules shall, file within sixty (60) days from the date of judgment, an appeal to the African Union's Court of Justice and Human Rights. The President of the Court shall decide on the extension of the appeal.

62.4 The filing of an appeal with the African Court of Justice and Human Rights shall not have the effect of suspending the execution of the Administrative Tribunal decision being contested.

Rule 63 Grievance Handling and Procedure

- (a) Without prejudice to the right of staff members to try to resolve grievances amicably with their colleagues and/or supervisors, all staff grievances arising out of their inter-personal relationships and the application of conditions of employment other than matters arising out of disciplinary action, shall be raised in the first instance with the staff member's supervisor and the supervisor shall make every effort to settle the matter at his/her level unless where the complaint is about the supervisor and in that instance the staff member may bring the complaint to the next level supervisor or the Chairperson or the competent authority of any other organ. In a situation where the complaint is about the Chairperson or the Head of any other organ, the staff member shall first submit in writing his or her complaint to the Chairperson or competent authority of the concerned organ requesting relief within thirty (30) days failing which, he or she may file his or her complaint with the Administrative Tribunal.
- (b) The Chairperson or the competent authority of any other organ shall address grievance handling and procedure matters in accordance with the Guidelines on Grievance Handling and Procedure.

CHAPTER XV

CORRESPONDENCE AND PERSONNEL RECORD

Rule 64

Official Correspondence

- 64.1 (a) Official correspondences are letters, memoranda, Notes Verbal, documents, communication, or any other recorded information in any shape or form, which come into the possession of a staff member in the course of his or her official duties.
- (b) In conformity with these Rules staff members shall not, without lawful authority, disclose information in any form or shape, which comes into their possession in the course of their official duties.
- (c) Staff members shall not be permitted to take copies of official documents that pass through their hands in the course of their duties for their own personal gain.
- 64.2 The Chairperson or the competent authority of any other organ shall issue guidelines on internal correspondence, outgoing mail and on the use of electronic mail.

Rule 65

Personnel and Personal Records

65.1 Personnel Records

The Union shall establish and maintain personnel records and statistics with a view to facilitating periodic research and evaluation of the effective utilization of the Union's human resources. Among such records shall be the following: Job descriptions, Recruitment and Selection, Wage and Salary Administration, Staff Performance Evaluation and Training, Leave, Transfers and Promotions, Health, Discipline, Terminations, Retirements and all data related to human resources management.

65.2 Personal Records

- (a) The Union shall maintain Personal Records in respect of each staff member irrespective of his or her terms of employment. There shall be an open file and confidential file.
- (b) Personal Records shall in two separated types of filing system namely:

Confidential File: This shall contain at least the staff member's letter of application for the job, letter of appointment, letter of acceptance of appointment, confirmation, personnel decisions on salary assessment / adjustments, promotions, change of incremental date, change in names, disciplinary letters, commendation letters, termination, transfers, approved annual leaves, official oath, declaration of next of kin, dependency list, birth certificate, marriage certificate, list of beneficiaries, academic and professional testimonials, certificates and appraisal forms

Open File; This shall contain staff member's home leave, sick and special leave, medical certificates of fitness for service, educational claim and any other official records on a staff member.

(c) A staff member shall have access to his or her personal files. However, amendments of information/documents contained in such files should be restricted through official procedures.

(d) Access to the confidential files of staff members shall be restricted authorized personnel only.

65.3 Personal records shall not be destroyed until ten (10) years after the death of a staff member and in all other cases, twenty (20) years from separation from the service or death (when known) whichever is earlier.

65.4 The Union shall establish systems and procedures for proper Records Management.

CHAPTER XVI

SEPARATION FROM SERVICE

Rule 66

Types of Separation

A staff member may be separated or separate himself or herself from the Union under the following circumstances:

1. Resignation
2. Termination
3. Discharge
4. Dismissal
5. Retirement
6. Death in Service
7. End of Contract / Mandate

Rule 67

Resignation

67.1 Resignation

Resignation is separation from service initiated by a staff member. A staff member may resign by giving the Chairperson or the competent authority of any other organ or his or her duly authorized representative, the appropriate notice required under the terms of their appointment or contract, as specified:

- (a) If he or she holds a continuing regular or regular appointment, three (3) months' notice or three (3) month's pay in lieu of notice;
- (b) If he or she is on a fixed-term appointment, two (2) months' notice or two (2) month's pay in lieu of notice;
- (c) If he or she holds a contract of six (6) months or more, and staff on probation, one (1) month's notice or one (1) month's pay in lieu of notice.
- (d) In all other contracts of less than six (6) months, fifteen (15) days notice or fifteen days (15) pay in lieu of notice.

67.2 Accrued leave may be used to serve as notice, provided that persons holding the position of Head of Division or above shall be required to be on post for a period of at least one (1) month prior to departure.

67.3 If a staff member leaves before the expiration of the required period of notice without the authorization of the Chairperson or the competent authority of any other organ, the Union shall deduct from any monies due to the staff member, an amount equivalent to his or her salary and allowances for the remaining part of the period of notice.

67.4 All entitlements due to the staff member less money owed to the Union on separation shall be paid to him or her, upon production of a duly completed clearance form.

67.5 A staff member who is under investigation or suspension for misconduct or criminal acts shall not be permitted to resign until the matter under review is disposed of.

Rule 68

Termination

68.1 A termination within the meaning of the Staff Regulations is a separation from the service initiated by the Union. The Chairperson or the competent authority of any other organ may terminate the appointment of a staff member for any

of the reasons contained in the Staff Regulations and Rules, including the following:

- (a) The staff member does not meet the standard of performance required of him or her.
- (b) For facts anterior to the appointment of the staff member and relevant to his or her suitability and moral conduct, which subsequently come light and which, if known at the time of his or her appointment, would, under the standards established by the Constitutive Act and these Regulations, have hindered his or her appointment.
- (c) The staff member deserts his or her post for a continuous period of thirty (30) days and fails to respond to an official notice sent to his last residential address
- (d) When a staff member is found guilty, through an administrative decision, of a conduct prejudicial to the smooth running of the Union. Notwithstanding this provision, the Chairperson or the competent authority of any other organ may exercise discretion to suspend a staff member without pay for a maximum period of one month; or demote, order a refund of any Union funds where applicable instead of terminating his or her service.

68.2 The Chairperson or the competent authority of any other organ may also terminate the employment of a staff member on the following grounds where a:

- (a) Staff member has been recalled:
 - (i) If after consultation with the Chairperson or the competent authority of any other organ, the Member State of which a staff member is a national recalls him or her with his or her consent. In that event, the Chairperson or the competent authority of any other organ may accept to the recall request and authorize separation of the staff member concerned with his or her consent, in accordance with these Regulations. In this case however, the staff member shall be allowed to return to the Union within one (1) year from the date of termination.
 - (ii) In deciding whether or not to release a staff member who is being recalled, the Chairperson or the competent authority of any other organ shall also take into account existing contractual obligations that bind the staff member.
 - (iii) In the event of a conflict of interests, the interest of the Union shall be paramount and the decision of the Chairperson or the competent authority of any other organ as to whether or not to release a staff member who is being recalled shall prevail.

However, recalling by States shall be by written consent of staff member.

(b) Member State of which the staff member is a national ceases to be a member of the Union. However, under such circumstances the staff member shall be given a maximum of two (2) years to separate from the Union.

(c) A recommendation for the termination of a staff member for unsatisfactory performance made by the Appointment, Promotion and Recruitment Board (APROB) and approved by the Chairperson or the competent authority of any other organ.

68.3 Period of Notice for Termination

- (a) If a staff member holds a continuing regular or regular appointment, he or she shall be given three (3) months' notice or three (3) month's salary in lieu of notice;
- (b) If he or she is on a fixed-term appointment, two (2) months' notice or two (2) month's pay in lieu of notice;
- (c) If he or she holds a short-term contract or is on probation, one (1) month's notice or one (1) month's pay in lieu of notice.

Rule 69

Discharge

69.1 Subject to relevant provisions, the Chairperson or the competent authority of any other organ may discharge a staff member from the employment of the Union for any of the following reasons:

- (a) The exigencies of service require abolition of the post occupied by the staff member. However, the Union shall exhaust all options of redeployment following the abolition of the post.
- (b) The exigencies of service require a reduction in staff strength.
- (c) For reasons of ill health, the staff member is incapacitated to continue providing services.

69.2 A discharged staff member shall be entitled to receive:

- (a) All Severance Pay entitlements
- (b) Three (3) months salary and benefits if he or she is regular or continuing regular.

- (c) Two (2) month' salary and benefits if he or she is on a fixed term contract, provided his or her remaining contractual term is not less than one month; otherwise, he or she is entitled to receive a salary and benefit commensurate to the remaining period of his or her contractual period.
- (d) One month salary and benefits if he or she is on a short term.

Rule 70

Dismissal

Subject to the relevant provisions of this Regulations and Rules, the Chairperson or the competent authority of any other organ may dismiss a staff member from the services of the Union for any of the following reasons:

- 1. Where he or she is adjudged by the Disciplinary Board guilty of serious misconduct or wrong doing as specified in Rule 59.1.
- 2. The staff member has been convicted by a Court of law of a serious criminal offence on the advice of Disciplinary Board.

Rule 71

Retirement

71.1 Compulsory Retirement

- (a) Staff members, except for elected officials and the Special and Political Appointees, shall not be retained in the service of the Union beyond the age of sixty (60) following the last day of the month in which he or she celebrates his or her 60th birthday.
- (b) The Chairperson or the competent authority of any other Organ may, in exceptional cases determined by the work needs, grant him or her an eleven-month contract based on satisfactory performance in previous appraisal and the need for securing his or her services. Under no circumstance shall the said contract be renewed more than once.
- (c) These provisions are applicable to all persons working in any capacity for the Union except consultants.

71.2 Early Voluntary Retirement

- (a) A staff member in the service of the Union who has attained the age of fifty (50) years and has a minimum of ten (10) years of continuous service, may at his or her own request retire from the service of the Union.

- (b) In that event, the staff member shall be entitled to the payment of pension and such other early retirement incentives and awards as may be provided for in the Staff Retirement Plan and the Rules.

Rule 72

Death in Service

Upon the death of a Staff member, the Union shall undertake all necessary steps separating the staff member and meeting all related expenditures as provided in this Rules and Regulations.

Rule 73

End of Contract

Staff Member shall be separated from the Union upon expiry of his or her contract.

Rule 74

Financial Obligation and Entitlements

Obligations of the Staff

74.1 Before separation from service for whatever cause, a staff member shall be required to refund to the Union any monies he or she may owe.

74.2 If upon separation, a staff member has taken advance annual or sick leave beyond that which he or she has subsequently accrued, he or she shall make restitution for such advance leave by means of a cash refund or an offset against monies due to the staff member from the Union, equivalent to the salary and allowances received, in respect of the outstanding days of advance leave.

74.3. Entitlements / Accrued Leave Days on Separation

(a) A staff member who at the time of his or her separation from service has accrued leave shall be entitled to payment in cash in lieu of leave.

(b) The accumulated leave shall not exceed one hundred and ten (110) days for regular staff members and fifty-six (56) days for short-terms contract. The balance, if any, shall be forfeited.

74.4. Severance Pay:

A staff member on continuing regular appointment or regular contract shall be entitled to severance pay upon separation from the Union as provided for by these Rules. .

Rule 75

Financial Entitlements of a Deceased or Permanently Disabled Staff Member

75.1 Group Life Insurance

The Union shall establish a Group Life Insurance to provide a twenty-four (24) hours cover for staff members and eligible dependents.

75.2 Accrued Dues

Upon the death of a staff member, the beneficiaries or in their absence, the estate of the deceased shall be entitled to all accrued dues to the deceased in respect of the following:

- (a) Accrued salary at the time of death;
- (b) Cash payment in lieu of any outstanding entitlements;
- (c) The Union's contribution to the pension accrued, including interest thereon up to the time of death;
- (d) Contribution by the deceased to the pension scheme including interest accrued;
- (e) Group Life Insurance benefits if any.

75.3 Pension and Insurance Contribution Scheme

When a staff member contributing to the pension and insurance scheme dies, the Union shall assist the beneficiaries or in their absence the estate of the deceased in processing the payment.

- (a) Outstanding payments and any other money owing to the Union which cannot be met from payments due to the deceased from the Union shall be recovered.
- (b) The next-of-kin shall be required to surrender all the Union's property that might have been in the deceased's possession or under his or her custody.

Rule 76

Certification of Service and Exit Interview Questionnaire

- 76.1. A staff member shall, on separation be issued with a Certificate of Service signed by the Chairperson or the competent authority of any other organ or any other official authorized by him or her.
- 76.2 Nothing in this subsection shall be construed as preventing the Chairperson or the competent authority of any other organ from giving a confidential reference direct to a prospective employer of a staff member who has separated from the Union's service if a direct request is received from such employer.
- 76.3 All staff members separating from the services of the Union shall be required to complete an Exit Interview Questionnaire Form whose responses may help the Union to develop policies and practices that better reflect the needs of the Union's staff members.

Rule 77

Handing-Over

- 77.1 Staff members on transfer, promotion, separation or who vacate their posts for any other reason shall be required to hand-over their offices.
- 77.2 Prior to vacation of post, a staff member shall be required to prepare to handover their offices and to write handing-over notes.
- 77.3 Concise handing-over report containing salient features of the job shall be written and signed by both the outgoing staff member and where possible, the in-coming staff member. The handing-over report shall be copied to the relevant Superior. A copy shall also be sent to the Director of Administration who will ensure that all the items have been accounted for.
- 77.4 Among the issues and items that shall be included in the handing-over report and/or which shall be accounted for are the following:
 - (a) Major policy issues with which the staff member has been involved.
 - (b) A brief description of any Organizations or Committees with which the staff member concerned has been involved.
 - (c) Matters of current concerns that have not been completed whether or not they are of a continuing nature.
 - (d) Notes on any regular engagements in which the in-coming staff member will be concerned. These may vary from regular meetings or committees, to the need to meet certain deadlines, etc.

- (e) Lists of any documents accountable for or equipment that have to be handed over and signed for and where cash is involved, cash should be checked and the cash book balance taken.
 - (f) In the case of Finance Personnel, a full audit of the accounts of the current fiscal year shall be undertaken prior to vacation of post.
 - (g) In the case of staff members who are signatories to the Union's bank accounts, the Director in charge of Finance shall ensure that their names are removed from the signatories' lists of the respective bank accounts.
- 77.5 A staff member transferred from one duty station to another or within the same duty station shall be cleared by the competent authority of any other organ / Department as applicable.

CHAPTER XVII

Rule 78

Annexes

- 78.1 The following documents in addition to any other Executive Council and Assembly decisions, Statutes, Treaties, Rules and Regulations and Policies shall form part of these Rules :
- (a) Administrative Circulars;
 - (b) Administrative Procedure Manual;
 - (c) Code of Conduct;
 - (d) Financial Regulations and Rules;
 - (e) Harassment Policy;
 - (f) Information, Communication and Technology Policy;
 - (g) Medical Assistance Plan;
 - (h) Retirement Medical Plan
 - (i) Grievance Handling and Procedure Policy
 - (j) OAU General Convention on Privileges & Immunities;
 - (k) Orientation and Induction Manual;
 - (l) Performance Appraisal Policy;
 - (m) Policy on Education Allowance;
 - (n) Policy on the management of HIV/AIDS at the Workplace;
 - (o) Procurement Manual;
 - (p) Regulations and Rules on Pension;
 - (q) Safety and Security Guideline;
 - (r) Salary scales for the various categories of staff;
 - (s) Statutes of the Commission;
 - (t) Statutes and Rules of Procedure of the Union's Administrative Tribunal;
 - (u) Disciplinary and Appeal Procedures Policy
 - (v) Training Policy;
 - (w) Recruitment, Appointment, Advancement, Upgrading and Promotion Policy;

- (x) African Union Travel Document Policy;
- (y) Career Development Policy;
- (z) Elected Official Regulations and Rules and
- (aa) Any other procedures, policies, manuals and documents necessary for the effective implementation of these Regulations and Rules.

78.2 Any procedures, policies or manual approved by the Chairperson or the competent authority of any other organ shall not prevail over these Regulations and Rules and any Executive Council and Assembly decisions, Statutes, Treaties, Rules and Regulations made by the Union.

CHAPTER XVIII

GENERAL PROVISIONS

Rule 79

Liability Insurance

Staff members who own or drive motor vehicles shall carry public liability and property damage insurance in an amount adequate to insure them against claims arising from injury or death to other persons or from damage to the property of others caused by their cars.

Rule 80

No Smoking

The African Union's buildings and surrounding property have been designated as "no smoking" areas. Any employee contravening the "no smoking" areas policy shall be liable to disciplinary action.

Rule 81

Amendments

In conformity with Regulation 16.1 of the Staff Regulations, these Rules may be supplemented or amended by the Assembly.

Rule 82

Applicability

These Regulations and Rules shall supersede all provisions in existing Staff Regulations and Rules and any other relevant existing Executive Council and Assembly decisions, Rules and Regulations of the Union that may conflict with provisions herein upon the date of adoption.

Rule 83

Entry into Force

These Regulations and Rules shall come into force upon adoption by the Assembly.

2012

Report of the meeting of the Prc Sub-Committee on administrative, budgetary and financial matters on the review and finalization of the draft African Union staff Regulations and Rules

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