

OHR Policy Guidelines

Determination of continuous service for purposes of separation benefits (termination indemnity, grant upon death and repatriation grant)

OHR/PG/2024/2 – 22 January 2024

I. Continuous service

1. These guidelines are issued to assist in the determination of Entry On Duty (EOD) used to calculate continuity of service for purposes of separation benefits such as termination indemnity, grant upon death and repatriation grant.
2. One of the conditions of eligibility for these separation benefits is continuous service. The determination of continuous service is governed by staff rules 4.17 on Reinstatement and 4.18 on Reemployment as contained in the Staff Regulations and Rules, including Provisional Staff Rules (ST/SGB/2023/1/Rev.1):

Staff rule 4.17 on **Reinstatement** provides that:

“(a) A former staff member who held a fixed-term or continuing appointment and who is re-employed under a fixed-term or a continuing appointment within 12 months of separation from service may be reinstated under conditions established by the Secretary-General.

(b) On reinstatement, the staff member’s services shall be considered as having been continuous, and the staff member shall return any monies received on account of separation, including termination indemnity under staff rule 9.8, repatriation grant under staff rule 9.12 and payment for accrued annual leave under staff rule 9.10. The interval between separation and reinstatement shall be charged, to the extent possible, to annual leave, with any further period charged to special leave without pay. The staff member’s sick leave credit under staff rule 6.2 (Sick leave) at the time of separation shall be re-established; the staff member’s participation, if any, in the United Nations Joint Staff Pension Fund shall be governed by the Regulations of the Fund.

(c) A former staff member who held a temporary appointment and who is re-employed under a temporary or fixed-term appointment shall not be reinstated regardless of the duration of separation from service.

(d) A former staff member who held a fixed-term or continuing appointment and who is re-employed under a temporary appointment shall not be reinstated regardless of the duration of separation from service."

Staff Rule 4.18 on **Re-employment** provides that:

"(a) A former staff member who is re-employed under conditions established by the Secretary-General shall be given a new appointment unless the staff member is reinstated under staff rule 4.17.

(b) The terms of the new appointment shall be fully applicable without regard to any period of former service. When a staff member is re-employed under the present rule, the service shall not be considered as continuous between the prior and new appointments.

(c) When a staff member receives a new appointment in the United Nations common system of salaries and allowances less than 12 months after separation, the amount of any payment on account of termination indemnity, repatriation grant or commutation of accrued annual leave shall be adjusted so that the number of months, weeks or days of salary to be paid at the time of the separation after the new appointment, when added to the number of months, weeks or days paid for prior periods of service, does not exceed the total of months, weeks or days that would have been paid had the service been continuous."

3. Continuous service for purposes of termination indemnity, grant upon death and repatriation grant **shall therefore be considered broken by separation from service and payment of the corresponding separation entitlements**, unless the staff member was reinstated under staff rule 4.17. The administrative issuances on Continuing appointments (ST/SGB/2011/9 and ST/AI/2012/3) and on Downsizing or restructuring resulting in the termination of appointments (ST/AI/2023/1) also consider continuity of service to be broken if a staff member is separated and paid on account of termination indemnity, repatriation grant or commutation of annual leave. **When the continuity of service has been broken, service accrued before the separation shall not count towards the completed years of service for purposes of calculating the termination indemnity, grant upon death or repatriation grant and the count begins anew upon re-employment.**

II. Situations in which service may exceptionally be considered continuous for termination indemnity, grant upon death and repatriation grant

4. While the above represents the norm on how separations affect these entitlements, in the following two situations, exceptions are hereby granted.

a. Prior to the 1 July 2009 contractual reform, for staff formerly appointed under the former 100, 200 or 300 series of staff rules:

- i. Service will be considered as continuous in cases where a separation from service occurred prior to 1 July 2009 and did not involve an interruption in employment with the United Nations for any period (i.e. separation and reappointment the next day), regardless of whether or not the staff member was paid on account of accrued annual leave or other separation entitlements.
- ii. For staff formerly appointed under the 300 series of staff rules who were "transitioned" to a new fixed-term appointment under the new staff rules on 1 July 2009 and who were paid accrued annual leave, the service between the two appointments will be considered continuous.
- iii. For staff formerly appointed under the 100 series of staff rules, service will be considered as continuous in cases where a separation from service occurred before 1 July 2009 and involved an interruption in employment with the United Nations for a period of 30 calendar days or less and which was imposed by the Organization for administrative purposes only, regardless of whether the staff member was paid on account accrued annual leave or other separation entitlements.
- iv. Staff members, other than those in peacekeeping missions, who were transitioned to a new fixed-term appointment on 1 July 2009 and were subsequently allowed to be reappointed under a fixed-term appointment following a three-working-day break for administrative purposes: service of such staff will be considered as continuous in cases where a separation from service occurred after 1 July 2009 and involved an interruption in employment with the United Nations for a period of three working days or less that was imposed by the

Organization for administrative purposes, regardless of whether the staff member was paid on account accrued annual leave or other separation entitlements.

- v. The above-mentioned exception is not applicable for the staff members who were separated from service upon resignation, or staff who voluntarily applied to and were selected for another position which involved a separation from their previous appointment, either on resignation or expiry of appointment, and reappointment to the other position, including involving a different category.
- b. For staff separated from a fixed-term appointment and reappointed on another fixed-term appointment without break in service (FTA to FTA without BIS) after the 1 July 2009 contractual reform when administrators used “separation” in lieu of using “transfer” and no separation payments (including commutation of annual leave, termination indemnity, repatriation grant, etc.) were made between appointments.**
- i. Example: A UNMIT staff member with EOD 2 August 2010 who separated on 1 October 2012 on resignation and was reappointed on a fixed-term appointment with UNAKRT on 2 October 2012.
 - ii. Provided that the staff member did not get any separation payments between the UNMIT and the UNAKRT appointments, the EOD for purposes of separation entitlements when the staff member separates from UNAKRT will be the initial appointment in UNMIT, i.e. 2 August 2010) and not 2 October 2012, the date of the most recent reappointment. If the staff member received any separation payments, including commutation of annual leave, the EOD will be the most recent reappointment, i.e. 2 October 2012.
- c. For each case that service is exceptionally considered continuous in these two situations, the entity is required to inform the Office of Human Resources at ohr-policysupport@un.org so the exception can be recorded under the authority of the Under-Secretary General for Management Strategy, Policy and Compliance.
5. Separations and reappointments that do not fall within these two scenarios are considered as breaking the continuity of service as per staff rule 4.18 unless there

is reinstatement under staff rule 4.17. This includes but is not limited to: separations from temporary appointments followed by reappointments the next day on a fixed-term appointment; or separations from the GS category on fixed-term appointments, with or without separation payments, that are followed by a 7-day break and a reappointment into the FS category on another fixed-term appointment (section 3.11 of ST/AI/2013/1 refers).

III. Specific eligibility provisions for repatriation grant

6. While the two exceptions are applicable to all three separation entitlements (termination indemnity, grant upon death and repatriation grant), in the case of repatriation grant, **the EOD used for calculation of this entitlement may still differ from the one used for continuity of service, as consideration needs to be given as to whether the staff member was eligible for this international entitlement for the whole duration of their continuous service.**
7. Some examples that would result in a different EOD for repatriation grant purposes involve situations in which the staff member held different appointments and not all appointments carried an entitlement to repatriation grant, such as:
 - a. Time served under an appointment subject to local conditions of recruitment followed by an appointment subject to international recruitment (i.e. General Service or National Professional Officer to Field Service or International Professional Officer);
 - b. Time served under a 300 Series Appointment of Limited Duration (ALD), which did not have repatriation entitlements.
8. Staff members holding a permanent or continuing appointment who separated from the General Service category and were reappointed and reinstated will have the original EOD of the General Service appointment for the purpose of calculating the termination indemnity and/or grant upon death. However, for repatriation grant purposes the staff member is not entitled to it until the change of category took place and gave rise to international benefits.
9. Time served under ALD appointments with successive breaks can exceptionally be considered continuous under the provisions of paragraph 4 above. However,

for purposes of repatriation grant, the entitlement will begin when the staff member acquired entitlement to repatriation grant.

10. Examples:

a. GS to FS

- General Service appointment EOD date: 15 July 2006
- Separation from GS appointment: 18 June 2010
- Reinstatement as Field Service category: 19 June 2010

While the EOD for termination indemnity and grant upon death will be the 15 July 2006, the entitlement to repatriation grant only exists upon joining the Field Service category, the EOD for repatriation grant purposes will thus be 19 June 2010.

b. 300 series to 100 series:

- ALD effective date 15 July 2007
- Transitioned to fixed-term appointment: 1 July 2009
- EOD on ALD: 15 July 2007

While the EOD for termination indemnity and death grant case will be 15 July 2007, the EOD for repatriation grant purposes will be 1 July 2009, date of entitlement to repatriation grant upon conversion to a fixed-term appointment under the Staff Rules.