



20 January 2023

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## **Administrative instruction**

### **Downsizing or restructuring resulting in termination of appointments**

The Under-Secretary-General for Management Strategy, Policy and Compliance, pursuant to section 4.2 of Secretary-General's bulletin [ST/SGB/2009/4](#), and for the purpose of implementing staff regulation 9.3 (a) (i) and staff rules 9.6 (c) (i), (d) and (e) and 13.2 (c) and (d), hereby promulgates the following:

#### **Section 1 Scope**

1.1 The purpose of the present administrative instruction is to provide a framework for Secretariat entities to:

(a) Manage the anticipated termination of appointments resulting from the abolition of posts or the reduction of staff associated with the downsizing or restructuring of an entity;

(b) Manage the retention of staff members affected by such downsizing or restructuring in a position for which they are suitable.

1.2 The present administrative instruction shall apply only to those downsizing or restructuring exercises that may lead to terminations resulting from the abolition of posts or the reduction of staff.

1.3 In accordance with staff rule 9.6 (b), separation resulting from the expiration of appointment shall not be regarded as termination.

#### **Section 2 Activation of policy: establishment of a Staff-Management Group**

2.1 Following a preliminary assessment of the situation and any managerial decisions that may have been taken to minimize the impact of the downsizing or restructuring exercise on serving staff members, including, but not limited to, agreed terminations in line with staff regulation 9.3 (d), subject to availability of funds, a head of entity<sup>1</sup> may determine that it is likely that the appointment of some staff members will need to be terminated. In such cases, the head of entity shall formally inform all affected staff in the entity and their staff representatives that the provisions of the present administrative instruction are applicable

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\* Reissued for technical reasons on 15 February 2023.

<sup>1</sup> "Head of entity" has the meaning set forth in footnote 1 of Secretary-General's bulletin [ST/SGB/2019/2](#) (as may be superseded).



and establish a Staff-Management Group, as defined below, without undue delay. Staff representatives may also call upon the head of entity to establish the Staff-Management Group.

2.2 The Staff-Management Group shall be established with representation from both management and staff in equal numbers. Management and staff will nominate their own representatives without undue delay. The management representation will normally include one human resources specialist.

2.3 The role of the Staff-Management Group is to advise the head of entity on all aspects of retention within the entity of staff members whose appointments are affected by the downsizing or restructuring. The Staff-Management Group shall start its work without undue delay. The failure or inability of the Staff-Management Group to advise the head of entity, including because of deadlock or impasse, shall not prevent the head of entity from taking any decision within her or his authority.

2.4 The head of entity shall provide the Staff-Management Group with the information required for the proper exercise of its functions. This information will include, at a minimum, data from the staffing tables on the posts to be abolished or the staffing levels to be reduced, staff affected and available positions for retention within the entity, as well as the expected timeline for the conclusion of the exercise.

### **Section 3 Mitigation measures**

3.1 The Staff-Management Group shall set the schedule of work in accordance with the timeline set by the head of entity for the conclusion of the downsizing or restructuring exercise and may make recommendations to the head of entity regarding the application of mitigation measures. These mitigation measures may be in addition to or in lieu of those that may have already been taken by management at the time of the assessment of the situation to create opportunities for staff members to be assigned to available positions within the entity.

3.2 Mitigation measures include, but are not limited to:

(a) Non-renewal of temporary appointments, except for those relating to essential functions that cannot be carried out by existing staff members on fixed-term, continuing or permanent appointments;

(b) Non-renewal of fixed-term appointments of staff members who have not been recruited in accordance with established procedures under staff rules 4.15 and 4.16 and who, as a result, hold an appointment with service limitation. This measure shall not be used to separate, by non-renewal, staff members who, at the time of their appointment, did not require selection through a central review body in accordance with the staff selection system in place.

3.3 The mitigation measures shall be applied, at a minimum, to the organizational unit (unit, section, service, division, etc.) within the entity affected by the downsizing and, at a maximum, to the whole entity.

3.4 The head of entity shall make final decisions on any mitigation measures recommended by the Staff-Management Group.

3.5 If the application of mitigation measures renders it unnecessary to terminate the appointment of staff members, the head of entity shall dissolve the Staff-Management Group.

### **Section 4 Comparative review**

4.1 If the termination of appointments is anticipated as a result of downsizing or restructuring, notwithstanding the application of any mitigation measures, the Staff-

Management Group shall carry out a comparative review as set forth below. The Staff-Management Group will make recommendations on the scope of the comparative review to the head of entity, who may limit the scope based on one or more relevant criteria, including organizational units, job family, category, level or duty station in the case of locally recruited staff. All staff on fixed-term, continuing or permanent appointments who encumber posts falling within the scope decided upon by the head of entity after his or her consideration of the recommendation of the Staff-Management Group shall be included in the comparative review.

4.2 The purpose of the comparative review is to determine the order of preference in which staff members will be considered for retention based on a determination of the following:

- (a) The placement of the staff members in retention subgroups determined by the Staff-Management Group pursuant to sections 4.4 to 4.9 below;
- (b) If necessary, the ranking of the staff members within such a retention subgroup.

4.3 For purposes of such comparative review, length of continuous service shall be assessed as follows:

- (a) Service will be deemed to be continuous from the start of the initial appointment in the United Nations common system, provided that the staff member was not separated from service and reappointed after the initial appointment, as such separation breaks the continuity of service in accordance with staff rule 4.18;
- (b) Periods of special leave with pay do not break the continuity of service and count towards length of service;
- (c) Periods of special leave without pay do not break continuity of service, however, periods of special leave without pay of a duration of 30 days or more will not count towards length of service;
- (d) Periods of service in part-time employment shall be counted on a prorated basis;
- (e) Service will be counted through the date of the establishment of the Staff-Management Group.

#### *Placement in retention groups*

4.4 Placement in a retention group is determined by an assessment of three criteria: competence, integrity and continuous service. The minimum criterion for:

- (a) **Competence** is met when the staff member has received an overall rating of “successfully meets performance expectations” or higher in each of the five latest performance evaluation cycles, or in all the performance cycles if the staff member has not yet completed five years of service, prior to the date of the establishment of the Staff-Management Group;
- (b) **Integrity** is met when the staff member has had no disciplinary measure imposed under staff rule 10.2 (a) in the five years prior to the date of the establishment of the Staff-Management Group. For staff members with fewer than five years of service, all years will be considered. The review to determine whether the staff member meets the integrity requirement will be based on the date of the imposition of the disciplinary measure(s), regardless of the expiration date of any such measure;
- (c) **Continuous service** is met by all active staff members. Length of continuous service is calculated in accordance with section 4.3 above.

4.5 Staff members shall be placed in the following groups based on the criteria set out in section 4.4:

- (a) Group 1: Staff members meet the criteria for competence, integrity and continuous service;
- (b) Group 2: Staff members meet only the criteria for integrity and continuous service;
- (c) Group 3: Staff members meet only the criteria for competence and continuous service;
- (d) Group 4: Staff members meet only the criterion for continuous service.

4.6 Within each group, staff members will be placed in a subgroup corresponding to their type of appointment, in the following order:

- (a) Permanent appointment;
- (b) Continuing appointment;
- (c) Two-year fixed-term appointment after recruitment through a competitive examination for a career appointment;
- (d) Fixed-term appointment.

4.7 The matrix below reflects the order of the retention subgroups, which determines the order of preference in which staff members will be retained.

<i>Retention group</i>	<i>Retention subgroup</i>	<i>Type of appointment</i>
1	1.1	Permanent
	1.2	Continuing
	1.3	Two-year fixed-term after recruitment through competitive examinations for a career appointment
	1.4	Fixed-term
2	2.1	Permanent
	2.2	Continuing
	2.3	Two-year fixed-term after recruitment through competitive examinations for a career appointment
	2.4	Fixed-term
3	3.1	Permanent
	3.2	Continuing
	3.3	Two-year fixed-term after recruitment through competitive examinations for a career appointment
	3.4	Fixed-term
4	4.1	Permanent
	4.2	Continuing
	4.3	Two-year fixed-term after recruitment through competitive examinations for a career appointment
	4.4	Fixed-term

*Ranking within a retention subgroup*

4.8 If staff members within each retention subgroup must be ranked pursuant to section 4.11, the ranking will be based on a score calculated as follows:

(a) One point for each full month covered by a performance evaluation report considered under section 4.4 (a) with an overall rating of “exceeds performance expectations”;

(b) One point for each full month of continuous service on a permanent, continuing, or fixed-term appointment.

4.9 If staff members within the same retention subgroup receive an equal number of points, the Staff-Management Group will determine the ranking for such staff members based on the following tiebreakers:

(a) Nationality: for retention against posts subject to geographical distribution, staff members who are nationals of an unrepresented or underrepresented country will be ranked higher than staff members who are nationals from countries that are within range or overrepresented. For the purposes of this provision, reference is made to the nationality of the staff member recognized by the United Nations and the representation level of the country at the organizational level;

(b) Gender: the staff members of the gender that has not reached parity<sup>2</sup> at each level within each category in the entity will be ranked higher;

(c) Mobility: for retention against posts subject to international recruitment, staff members who have more geographic movements will be ranked higher than staff members with fewer movements. For the purposes of this provision, a movement is defined as the appointment, transfer, reassignment or temporary assignment of a staff member to a different duty station for a period of one year or longer during the period of continuous service under review;

(d) In the event that more than one of the tiebreakers listed in the present section 4.9 is applicable, greater weight will be given to nationality, gender and mobility, in that order.

*Conduct of the comparative review*

4.10 The Staff-Management Group shall review the records of staff members falling within the scope of the comparative review to determine their placement in the retention subgroups.

4.11 If the number of staff members at a given level within a category in a retention subgroup exceeds the number of available positions at that level within the category in the downsizing entity, the Staff-Management Group shall determine the ranking of the staff members within the retention subgroup.

4.12 The Staff-Management Group will inform staff members of their placement in a retention subgroup and, if calculated, their score and rank within the subgroup. Staff members will be informed in the same notice of the deadline by which they may seek a second review of their placement in a retention subgroup or their ranking score from the Staff-Management Group. Staff members may submit additional facts and documentation for consideration as part of their request for a second review by the Staff-Management Group.

4.13 Following consideration of the additional facts and documentation submitted for second review, the Staff-Management Group shall finalize the list of staff

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<sup>2</sup> In accordance with the system-wide strategy on gender parity, parity is considered to be within the margin of 47–53 per cent.

members in order of retention, based on the retention subgroups and ranking scores, if applicable, for submission to the head of entity, who will make retention decisions in accordance with section 5 below.

## **Section 5**

### **Retentions, separations and terminations**

#### *Retention within the entity and separations*

5.1 The executive office or local human resources office of the entity concerned, in consultation with the managers as needed, shall make recommendations to the head of entity on the retention of staff members, if applicable. Retention of staff members through reassignment to positions within the downsizing entity shall be based on the order reflected in the list submitted by the Staff-Management Group and based on an assessment of the suitability of each of such staff members for available positions in the downsizing entity.<sup>3</sup>

5.2 The suitability of an affected staff member for reassignment to available positions within the downsizing entity shall be determined by comparing the category, level and qualifications of the affected staff members with the minimum educational requirements, experience and skills, including the language requirements for such positions.

5.3 Recommendations for reassignment will be made as follows:

(a) In the first instance, by matching affected staff members with available positions for which they are found to be suitable. Staff members temporarily assigned or temporarily promoted to serve in a higher-level position shall be considered only for positions at their original level within their category;

(b) When there are equally ranked candidates on the list considered for a position, the tiebreakers will decide the order of consideration for reassignment. When none of the tiebreakers are applicable, the head of entity shall have discretion to make the reassignment decision subject to justification on how the selected candidate better meets the requirements of the position than the other candidate(s) and subject to documenting such justification;

(c) When a staff member is not found to be suitable for any of the positions at a given level in each category, a record detailing the assessment showing the lack of suitability will be kept by the entity. The next ranked staff member in the retention group or subgroup will then be reviewed for potential reassignment;

(d) When there are more staff members than positions at a given level, and upon expression of interest, the affected staff members may be considered for positions at one level lower in their category, once the staff members at positions one level lower in that category have been reassigned. If a staff member is reassigned to a position at a lower level than the position that they held before the downsizing or restructuring exercise, that staff member shall, to the extent possible, be reassigned at the step of the lower level that provides a net salary that is at least equal to the net salary received at the higher level. When that is not possible, the step of the lower level for which the net salary is the closest to the net salary received at the higher level will be assigned.

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<sup>3</sup> An available position within the downsizing entity is either any unencumbered position in the entity or any of the encumbered positions within the scope of the comparative review that can be used to retain staff members, regardless of type or length of funding of the position and provided it is classified either through a classified job description, or if a classified job description is not available, through the corresponding generic job profile.

5.4 Staff members in the General Service and related categories and National Officers in posts subject to local recruitment will be considered for reassignment only to positions within their entity at their duty station in accordance with staff rule 9.6 (f).

5.5 Staff members in the Field Service category and the Professional and higher categories or internationally recruited staff in the General Service and related categories will be considered for reassignment to positions within their entity, whether such positions are within or outside their current duty station.

5.6 The head of entity shall make decisions on the recommendations for the retention of staff and will be accountable for decisions on retention, separations and terminations.

5.7 The head of entity, through the local human resources or executive office, will inform retained staff members of the position to which they will be reassigned and send notices of non-renewal of appointment to those staff members holding a fixed-term appointment with an appointment expiration date that coincides with the date of abolition of the post or reduction of staff who cannot be retained in accordance with the provisions of section 5.6. These staff members shall be separated from service on the date specified on their letter of appointment in accordance with staff rule 9.4. The head of entity will notify the Staff-Management Group of the reassignment and non-renewal decisions and provide it with the reasons for the decisions on retention when these are inconsistent with the order reflected in the retention groups and subgroups submitted by the Staff-Management Group.

5.8 Heads of entity who have been delegated the authority to reassign staff to other entities shall reassign staff holding appointments without limitations, who cannot be retained in the downsizing entity, to available positions in other entities in accordance with the authority delegated to them. Such reassignment shall take place after the reassignments in the downsizing entity have been concluded and before consideration is given for selections outside the downsizing entity, in accordance with section 5.10 below.

#### *Terminations*

5.9 The head of entity shall, in accordance with staff regulation 9.3 (c) and staff rule 9.7, give notice of termination to staff members who were neither identified for retention in the downsizing entity nor given notice of the non-renewal of their fixed-term appointment. Staff members shall normally be permitted to serve out the notice period. If found suitable and selected for a job opening or a temporary job opening before the proposed date of termination, the termination decision shall be rescinded.

#### *Selections outside the downsizing entity*

5.10 Staff members in retention group 1 who hold appointments without limitation who were not retained in the downsizing entity or assigned to another entity pursuant to section 5.8 and were informed that their appointments would be terminated before their expiration dates pursuant to section 5.9 (“downsized staff members”) shall be considered before any other candidates when they apply for positions at their original level or one level below within their category in other entities. Staff members temporarily assigned or temporarily promoted to serve in a higher-level position shall be given such priority consideration for positions at their original level or one level below within their category only.

5.11 This priority consideration shall apply to applications for job openings, excluding generic job openings, and for temporary job openings, which are submitted:

(a) Within one month after the date of notification of termination in the case of fixed-term appointees;

(b) Within three months after the date of notification of termination in the case of staff members holding a permanent or continuing appointment.

5.12 In addition, this priority consideration shall apply to applications for job openings, excluding generic job openings, and for temporary job openings, which are submitted before the date of notification of termination, provided that the deadline for applying for the job opening or temporary job opening has not expired by the date on which the one or three-month period of priority consideration has begun in accordance with section 5.11 above.

5.13 Upon selection for a job opening, the staff member will not be entitled to priority consideration for any other positions applied for, even if the applications were submitted during the period of priority consideration. When selected for a temporary job opening, the provisions of sections 5.21 through 5.23 apply.

5.14 If, as a result of an application submitted in accordance with sections 5.11 and 5.12, staff members are selected after separation from service, they shall be reinstated, and the intervening period between separation and reinstatement shall be charged to annual leave, and if annual leave is not available, to special leave without pay.

5.15 The hiring manager of the job opening or temporary job opening outside the downsizing entity, to which staff members have applied, shall check at the closure of the job opening or temporary job opening, whether there are any downsized staff members among the candidates. If that is the case, and the downsized candidate is pre-screened on the basis of the minimum requirements of the job opening, the hiring manager will review the applications of downsized staff members for suitability before any other candidates are considered. For both job openings and temporary job openings, the head of entity shall ensure that no selection, including roster selections, is made before determining that there are no candidates who are downsized staff members and thus eligible for priority consideration.

5.16 In considering the suitability of downsized staff members for both job openings or temporary job openings outside the downsizing entity, hiring managers may either conduct a desk review or administer a non-competitive assessment to determine solely whether the downsized staff member meets the technical requirements and competencies of the job opening or temporary job opening. If assessments are used, they will be scored on a pass or fail basis. When there is more than one downsized staff member among the list of applicants, there will be no ranking of candidates based on overall scores except as provided in section 5.18 below.

5.17 If there is only one suitable candidate who is a downsized staff member, the head of entity shall select that candidate.

5.18 If, for a position, there are two or more suitable candidates who are downsized staff members, the head of entity shall, in accordance with staff rules 9.6 and 13.2, select first any such staff member holding a permanent appointment, followed by any such staff member who has a continuing appointment, then by any such staff member who has been recruited through competitive examinations for a career appointment serving on a two-year fixed-term appointment and then by any such staff member holding a fixed-term appointment.

5.19 When there is more than one suitable candidate who is a downsized staff member with the same appointment type, the head of entity shall, in accordance with staff rule 9.6 (e), make the selection for the position with due regard being given in all cases to relative competence, integrity and length of service. When the position is subject to the principle of geographical distribution, due regard shall also be given to nationality in the case of downsized staff members with less than five years of service



and in the case of downsized staff members who have changed their nationality within the preceding five years.

5.20 Prior to considering any other candidate in accordance with the staff selection system, hiring managers are required to document in writing those requirements of the job opening or temporary job opening that, in their assessment, the candidate who is a downsized staff member failed to meet and to retain any supporting documentation that justifies their decision and substantiates their compliance with sections 5.10 through 5.19 above.

*Special considerations for temporary job openings*

5.21 When a downsized staff member is selected for a temporary job opening during the period of priority consideration as set out in section 5.11, the staff member will be temporarily assigned to the new position and return to the downsizing entity at the end of the assignment.

5.22 In these instances, downsized staff members selected for temporary job openings will be given priority consideration for job openings and temporary job openings outside of the downsizing entity for the entire duration of such temporary assignment.

5.23 If the staff member is not selected for a job opening or another temporary job opening during the period of temporary assignment, and the staff member's appointment continues beyond the period of the temporary assignment, the staff member's appointment will be terminated under staff rule 9.6 (e) or 13.2 at the end of the temporary assignment upon return to the parent entity. However, if the temporary assignment extends until or beyond the expiration date of the staff member's appointment that was to be terminated, the termination notice will be withdrawn. The appointment will be extended through the duration of the temporary assignment, if applicable, and upon return to the downsizing entity at the end of the temporary assignment, the staff member separated from service.

*Special considerations for job openings*

5.24 For positions of one year or longer, heads of entity shall proceed with selections of candidates who are downsized staff member without submitting the case through the central review bodies. Candidates who are downsized staff members who are selected for positions outside the downsizing entity will not acquire roster membership against the position for which they have been selected.

5.25 Downsized staff members who are selected for a position in the same category at a lower level than their original level at the downsizing entity shall be placed, to the extent possible, at the step of the lower level that provides a net salary that is at least equal to the net salary received at their original level. When that is not possible, the step of the lower level for which the net salary is the closest to the net salary received at their original level will be assigned.

*Notification to the Staff-Management Group*

5.26 The head of the downsizing entity shall inform the Staff-Management Group of the outcomes for the candidates who were considered for selection outside the entity at the end of the relevant period of priority consideration in accordance with sections 5.11 and 5.12.

5.27 The head of the downsizing entity shall dissolve the Staff-Management Group when all staff members who were considered for the comparative review have been retained, assigned, separated from service or had their appointment terminated.

**Section 6**  
**Relationship of this framework with the staff selection system**

No provision in this instruction should be understood to limit the ability of staff members to apply for and be selected for positions within their category at a higher level or in a different category under the staff selection system.

**Section 7**  
**Final provisions**

The present administrative instruction shall enter into force on the date of its issuance.

(Signed) Catherine **Pollard**  
Under-Secretary-General for Management Strategy,  
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