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GENERAL STANDARDS TO GOVERN THE OPERATIONS OF THE GENERAL SECRETARIAT

Español

GENERAL STANDARDS TO GOVERN THE OPERATIONS OF THE GENERAL SECRETARIAT
[1]CHAPTER III^[2]

PERSONNEL

SUBCHAPTER A: TYPES OF PERSONNEL

Article 17. Types of Personnel and Other Human Resources

The human resources of the General Secretariat include its personnel hired under employment contracts and independent contractors retained under performance contracts:

a. Personnel (also "staff members"): The personnel of the General Secretariat shall include only the following:

i. Career Service Personnel, appointed to the Career Service under Article 18 of the General Standards or its predecessor provision prior to June 30, 1994, and who were still members of the Career Service as of June 30, 2002;

ii. Personnel on Continuing Contracts, in accordance with Article 19 of these General Standards;

iii. Personnel on Fixed-Term Contracts, including Series A and Series B contracts, contracted in accordance with Article 20 of these General Standards;

iv. Trust Personnel, appointed at the discretion of the Secretary General in accordance with Article 21 of these General Standards;

v. Local Professional Personnel, contracted in accordance with Article 22 of these General Standards;

vi. Temporary Support Personnel, contracted in accordance with Article 23 of these General Standards;

vii. Associate Personnel, retained under an agreement with an institution participating in programs of common interest, in accordance with Article 24 of these General Standards.

b. Independent Contractors: Persons contracted to provide work products or services to the General Secretariat under a performance contract (also known as a "CPR") are independent contractors. They are not staff members, personnel, or employees of the General Secretariat. The performance contract does not create an employment relationship between the General Secretariat and a person.

c. Financing: As stated in Chapter V of these General Standards, personnel are funded under objects 1 and 2 of the Regular Fund program-budget. Performance contracts with independent contractors are funded under object 8 of the Regular Fund program-budget. Contracts for independent contractors and for personnel other than those in the Career Service or under continuing contracts may be funded by the Special Multilateral Fund of the Inter-American Council for Integral Development and specific funds, subject to the special provisions governing those funds in each case.

Article 18. Career Service Personnel

a. Phase-out of Career Service: The Career Service is permanently closed and is being phased out by attrition. It includes only those staff members who were appointed to the Career Service under this article of the General Standards or its predecessor provision prior to June 30, 1994, and who were still members of the Career Service as of June 30, 2002 ("Career Service personnel" or "Career Service members"). There are no Career Service vacancies. As current Career Service personnel leave the service, their Career Service designations, also known as "Career Service vacancies," shall be automatically eliminated and shall not be assigned to any other staff members.

b. Special Rights of Career Service Personnel

i. The status of the Career Service member is independent of the post, function, or tasks performed. Consequently, without losing his/her career status, any Career Service member shall perform any function or task or hold any post corresponding to his/her grade to which the Secretary General may assign him/her, taking into account his/her abilities and the needs of the service.

ii. No staff member other than those described in section (a) above, regardless of the terms of the

contract or the nature of the functions or tasks he/she is performing or has performed, may be considered a Career Service member.

III. Inherent in the status of Career Service member is the right not to be separated from the General Secretariat except on any of the grounds expressly set forth in these General Standards.

IV. The Secretary General shall give preferential consideration to members of the Career Service and, other conditions being equal, to those of greatest seniority in it, to fill vacancies and to continue in service when reductions are made in the staff of the General Secretariat.

v. The General Secretariat shall encourage and assist the members of the Career Service to improve their skills and qualifications.

vi. All promotions of Career Service personnel shall be made by competition in which the evaluation of previous work performance in the General Secretariat shall be taken into account. The competition shall be subject to the provisions on selection contained in Article 44 of these General Standards.

vii. Career Service members shall participate in the Organization's Retirement and Pension Plan, in accordance with the provisions of that Plan.

c. Salary and other Benefits: The salary and other emoluments of Career Service personnel are set out in Articles 40, 48-52, and 61-63, together with the corresponding provisions in the Staff Rules.

Article 19. Personnel Appointed Under Continuing Contracts

a. Eligibility: Staff members who have already been selected by competition for a post financed by the Regular Fund and who have worked for the General Secretariat under a fixed-term contract or series of fixed-term contracts for at least five continuous years since that competition may be contracted under a continuing contract, provided:

- i. The staff member has observed good conduct;
- ii. The staff member has received no unsatisfactory performance evaluations for the last three years and not more than one during his/her entire service with the General Secretariat;

iii. The staff member has passed language proficiency exams administered by the appropriate dependency of the Secretariat for Management in at least two of the following languages: English, French, Portuguese, and Spanish - provided, however,^[3]

(a) Any staff member whose native language is one of those four languages shall only be required to demonstrate proficiency on an exam in one of the others; and

(b) Staff members currently occupying G-3 driver/clerk positions in those Offices of the General Secretariat in the Member States where the language requirement unduly restricts the recruitment of otherwise qualified staff shall be exempt from this language proficiency requirement for as long as they occupy those positions. Subsequently, in order to be eligible to compete for a higher-level position while retaining continuing contract benefits, any staff member who has benefited from this exemption to acquire the continuing contract benefits while occupying G-3 driver/clerk positions in the Offices of the General Secretariat in the Member States must demonstrate proficiency in a second official language of the Organization.

iv. The staff member has, since joining the staff of the General Secretariat, satisfied the training requirements for his/her duties, and has kept his/her skills up to date as necessary for the efficient and competent performance of those duties;

v. The contract is to be financed in full by the Regular Fund and, based on reasonable projections provided by the Secretariat for Management, full Regular Fund financing for the contract is likely to continue for at least three years; and

vi. The staff member has requested a continuing contract and the director of the area in which the staff member is working or to which the staff member is to be assigned upon receiving that contract has recommended the staff member for

the contract, based on the staff member's skills in relation to program needs.

b. Eligibility List: The General Secretariat shall maintain a list of all eligible staff members by order of seniority. The order of seniority shall be based on length of continuous service from the date the eligible staff member was first appointed by competition to a post under a fixed-term contract financed by the Regular Fund. The General Secretariat shall regularly review and modify the list to add new eligible candidates and remove those who have since become ineligible, and it shall provide copies of the current list to interested staff members upon request.

c. The Target Percentage: The target percentage shall have a range of between 40% and 50%. The target percentage is computed by dividing the number of staff members with career appointments and continuing contracts by the entire number of staff members financed by the Regular Fund under Articles 17 (a)(i) - (iv) of these General Standards: Career Service personnel, personnel on continuing contracts, personnel on fixed-term contracts, and trust personnel. No staff member shall be awarded a continuing contract if it will cause the target percentage to exceed 50%, and the General Secretariat shall maintain the target percentage so that it does not fall below 40% by way of the process of appointment described below.

d. Process of Appointment: The following provisions shall govern the appointment process:

i. The Secretary General shall review the eligibility list in April and October of each year. If the target percentage at that time is below 40%, the Secretary General shall award the number of continuing contracts necessary to bring the target percentage back to 40%; and if the target percentage at that time is below 50%, the Secretary General may at his/her discretion award additional continuing contracts until the 50% target percentage is reached. All those appointments shall be made by order of seniority from the eligibility list, and shall enter into force on the first day of the following semester.

ii. The Secretary General may not issue any continuing contracts during a reduction in force mandated by the General Assembly.

iii. No staff member may be awarded a continuing contract until the Advisory Committee on Selection and Promotion established under Article 44 of these General Standards:

(a) Has conducted, by way of the plenary or a special subcommittee of its members appointed for this purpose, an interview of the candidate and has concluded, based on its examination of the candidate in the interview (which may include questions about the candidate's work, training, or contributions to the General Secretariat to date, and his/her profession), that the candidate is suitable for a continuing contract; and

(b) Has certified to the Secretary General: (i) that the staff member currently meets the eligibility requirements in section (a) above; (ii) that the staff member is suitable for a continuing contract based on the interview described in part (a) of this section above; (iii) that the staff member has the appropriate seniority on the eligibility list to receive the contract; and (iv) that the awarding of the contract will not exceed the 50% target percentage.

e. Duration, Termination, and Indemnification

i. Prior to reaching his/her 65th birthday, a staff member on a continuing contract may be terminated from service by the Secretary General only for cause.

ii. A continuing contract shall expire without notice or right of indemnity on the final day of the semester in which the staff member employed under that contract reaches his/her 65th birthday.

iii. Termination for cause shall entitle the staff member with a continuing contract to 60-days' notice and a separation indemnity, except under those conditions under which an indemnity is not payable under Article 62 of these General Standards. The indemnity shall equal one month of basic salary for each year of continuous service immediately prior to separation, up to a maximum of nine months.

f. Mobility and Reemployment

i. A staff member with a continuing contract who is transferred to or promoted to another post in the

General Secretariat fully funded by the Regular Fund shall remain contracted under that continuing contract. A staff member on a continuing contract who is transferred or promoted to a post financed by non-Regular Fund sources has no right to remain under the continuing contract; however, in those cases where the statutes of the corresponding funds and the needs and resources of those funds permit the establishment of a reserve to pay the staff member's termination entitlements accrued while in that post, the Secretary General may allow the staff member to retain the continuing contract.

ii. A staff member whose continuing contract is terminated and who is subsequently selected by way of competition to fill a Regular Fund post in the General Secretariat may rejoin the staff of the General Secretariat under a continuing contract provided he/she had good conduct, he/she had not received an unsatisfactory performance evaluation while serving under a continuing contract, and the post for which he/she has been selected satisfies the requirements set out in section (a)(v) of this article above.

g. Pension Rights: Staff members on continuing contracts are required to join the OAS Retirement and Pension Plan.

h. Promotion: Staff members on continuing contracts may only be promoted by way of the competitive selection process subject to the provisions on selection contained in Article 44 of these General Standards.

i. Training: The General Secretariat shall encourage and assist staff members on continuing contracts in improving their skills and qualifications, subject to the availability of resources allocated for that purpose in the program-budget.

j. Salary and Other Benefits: The salary and other emoluments of personnel on continuing contracts are set out in Articles 40, 48-52, and 61-63, together with the corresponding provisions in the Staff Rules.

Article 20. Personnel Appointed Under Fixed-Term Contracts

a. General Characteristics: A fixed-term contract is an employment contract for a specific term of days, months, or years expressly stated in the contract. It may be for a term up to five years in duration. It expires without notice upon the termination date stated in the contract or stated on any extension or renewal thereof. There is no right to renewal, but it may be renewed at the discretion of the Secretary General. It may be terminated only for cause as stated in these General

Standards and the Staff Rules.

b. Fixed-term contracts may be either Series A contracts or Series B contracts, as further specified below:

i. Series A Contracts: Series A contracts are contracts for up to three years and under which the staff member is not appointed through the competitive selection process in Article 44 of these General Standards. No staff member may serve for more than three years under one or more Series A contracts funded by the Regular Fund, regardless of whether the service is nonconsecutive or consecutive. Series A contracts also include special observer contracts specifically governed by additional limitations established under the Staff Rules and pertinent administrative issuances of the General Secretariat.

ii. Series B Contracts: Series B contracts are contracts for periods of between one and five years. There are two types of Series B contracts: those financed by the Regular Fund and those financed by funds other than the Regular Fund.

(a) Series B Contracts Funded by the Regular Fund: Series B contracts funded by the Regular fund are awarded by competition under Article 44 of the General Standards.

(b) Series B Contracts Funded by Other Funds: Series B contracts funded by other funds are awarded by competition, unless exempted in those cases in which a competition is deemed inconvenient in accordance with procedures established in the Staff Rules.

c. Salary and Other Benefits: The salary and other emoluments of personnel on fixed-term contracts are set out in Articles 40, 48-52, and 61-63, together with the corresponding provisions in the Staff Rules. Staff members on Series A contracts are ineligible for the dependency allowance and their salary is computed under the salary scale for staff members without dependents.

Article 21. Trust Personnel

a. Identification of Trust Positions: The following shall be considered positions of trust: the Executive Secretary for Integral Development, designated Director General of the IACD,

as well as the Secretaries, advisers and assistants to the Secretary General and to the Assistant Secretary General.^[4]

b. Description and Special Provisions:

i. Staff members in positions of trust are appointed at the discretion of the Secretary General to hold the posts that these General Standards define as positions of trust. Trust appointments shall last as long as the Secretary General is in office and the appointees enjoy his/her confidence.

ii. The Secretary General may appoint to a position of trust any staff member, whether or not he/she is a member of the Career Service, or anyone outside the General Secretariat.

iii. When the Secretary General terminates the services of a person who holds a position of trust, he/she shall give the person concerned the notice provided for in Article 58 of these General Standards, except in the case of a member of the Career Service. In the latter case, the member of the Career Service shall have the right to continue in that Service in a post of the same grade as that of the post he/she held before his/her appointment.

iv. A staff member under a continuing contract and who is appointed to a position of trust shall maintain his/her continuing contract status while in the position of trust and, subject to agreement with the Secretary General, may, upon the termination of the trust appointment, be placed under a continuing contract in a non-trust position at the grade he/she had immediately prior to accepting the trust appointment.

v. As a general rule, no person shall be appointed to a trust position below the P-4 level. Exceptions may be made for staff assigned to the Secretary General's Office and household and the Office of the Assistant Secretary General. The number of trust appointments funded by the Regular Fund should not exceed four percent of the posts financed by that Fund.^[5]

vi. A person who has been appointed to a position of trust may not work for the General Secretariat, whether as a staff member, except through external competition pursuant to Article 44 of the General Standards, as an independent contractor, or an employee or consultant to an independent contractor, after leaving the trust position. This

prohibition shall remain in force for a period of two years after the person leaves his/her position of trust.

This provision is inapplicable to career service staff members, staff members with continuing contracts, and any person who had a Series B fixed term contract financed by the Regular Fund when he/she was appointed to a position of trust. Similarly, it does not prevent a person whose appointment to a position of trust terminates from being appointed to another position of trust.^[6]

c. Salary and Other Benefits: The salary and other emoluments of personnel on trust appointments are set out in Articles 40, 48-52, and 61-63, together with the corresponding provisions in the Staff Rules.

Article 21 bis. Secretaries, Executive Secretaries, and Directors of the IAJC, IACHR, Specialized Organizations, and Entities^[7]

a. Secretaries, Executive Secretaries, and Directors, as the case may be, of the Inter-American Juridical Committee (IAJC), the Inter-American Commission on Human Rights (IACHR), the Specialized Organizations, and the other entities established pursuant to the last paragraph of article 53 of the Charter will be recruited in accordance with their respective statutes.

b. The periods of employment of the Secretaries, Executive Secretaries, and Directors mentioned in the preceding paragraph will not be taken into account in establishing eligibility for a continuing contract.

Article 21 ter. Managerial personnel positions^[8]

All Department Director positions shall be considered Managerial Personnel positions. Candidates for these positions will be recruited and selected through external competition, in accordance with Article 44 of these General Standards.

Article 22. Local Professional Personnel

a. General Description: Local professional staff members are persons with professional degrees contracted as specialists to work in accordance with the labor laws of the country in which they provide services as determined by the Secretary General.

b. Special Provisions, Salary, and Benefits: Unless otherwise expressly stated in these General Standards, in the document of appointment issued pursuant to Article 25 of these General Standards, the Staff Rules, and other administrative issuances of the Secretary General, the benefits and rights accorded all

other staff members under the General Standards, the resolutions of the General Assembly, the Staff Rules, and other administrative issuances of the Secretary General shall not apply to local professional staff members.

Article 23. Temporary Support Personnel^[9]

a. General Description: Temporary support personnel are contracted locally and, to the extent feasible, in accordance with the conditions of the duty station in which they serve, for the purpose of providing support services to temporary projects, observer missions, and other temporary activities carried out by the General Secretariat in the Member States or to provide cleaning, guard, or maintenance services to Offices of the General Secretariat in the Member States.

b. Special Provisions, Salary, and Benefits: Appointments of individuals as temporary support personnel (TSPs) shall be governed by the following provisions:

i. TSPs are not funded by Regular Fund resources; however, under exceptional circumstances as determined by the Secretary General, they may be funded under a specific temporary project supported in part by the Regular Fund. In addition, when so determined by the Secretary General, TSPs for the provision of cleaning, guard, or maintenance services to Offices of the General Secretariat in the Member States may be funded in whole or in part by the Regular Fund. The General Secretariat shall include in the amount budgeted for each TSP the necessary reserves for all benefits required under the local laws of the duty station, including, but not limited to, termination benefits, accumulated vacation, and termination notice.

ii. Periods of employment under a TSP shall not be counted for determining eligibility for continuing contracts or for any other purpose.

iii. TSPs shall not be participants in the OAS Retirement and Pension Fund; however, they shall participate in the social security system provided under the laws of the duty station. In the event such participation is unfeasible, TSPs shall be provided a monthly lump-sum payment equal to the value of the required contributions to the national social security system or, alternatively, and as determined by the Secretary General, TSPs shall participate in the Provident Plan or other retirement-savings plans established by the General Secretariat for temporary employees and in insurance programs provided by the General

Secretariat for temporary employees.

iv. Salaries for TSPs shall be established in accordance with market conditions at a level no lower than the amount paid for work of a similar nature under the corresponding national legislation of the duty station, and no greater than the salaries paid by the United Nations Development Programme (UNDP) for work of a similar nature.

v. The following articles of the General Standards shall not apply to TSPs, unless otherwise stated in their individual employment contracts: Article 18 (Career Service); Article 38 (Classification of posts); Article 40 (Salaries); Article 43 (Medical examination); Article 44 (Selection to fill vacant posts); Article 46 (Probationary period); Article 48 (Vacations); Article 49 (Leave); Article 50 (Social security); Article 51 (Travel, installation, and repatriation expenses); Article 58 (Notice); and Article 61 (Separation indemnity).

vi. Unless otherwise provided by executive order or the express terms of the contract document under which a TSP is contracted, the Staff Rules shall not apply to TSPs.

Article 24. Associate Personnel

a. General Description: Associate staff members are persons appointed primarily to perform functions of a professional, technical, administrative, or scientific nature, in accordance with agreements or contracts concluded with other institutions participating in programs of common interest, or to provide services *ad honorem* with authorization of the institutions to which they belong. Associate staff members are considered staff members solely for the purposes of securing for them the privileges and immunities necessary for them to carry out their functions as personnel of the General Secretariat to the extent permitted under the corresponding agreements on privileges and immunities with the Member States and for integrating them into the administrative structure of the project or activity to which they are assigned. They are not staff members for any other reason.

b. Special Provisions, Salary, and Other Benefits: Associate staff members are not entitled to any of the rights and benefits of staff members set out in these General Standards and the Staff Rules. The terms of their relationship with the General Secretariat, including their compensation and emoluments, shall be established exclusively in the agreement between the institution to which they belong and the General Secretariat.

Article 25. Document of Appointment

At the time they are appointed or hired, staff members and the Secretary General or his/her authorized representative shall jointly sign a document that shall state the nature and conditions of the appointment or contract. Such document shall be in conformity with these Standards and with the applicable provisions in force, including the resolutions of the General Assembly.

SUBCHAPTER B: STATUS AND OBLIGATIONS OF ALL STAFF MEMBERS AND
LIMITATIONS ON THEIR ACTIVITIES

Article 26. Subjection to the Authority of the Secretary General

With respect to the performance of their duties, staff members are subject to the authority of the Secretary General.

Article 27. Status of International Civil Servants

The staff members of the General Secretariat are international civil servants and, in the performance of their duties, are responsible only to the General Secretariat. In accepting appointment to a position in the General Secretariat, they shall undertake to perform their duties and to regulate their conduct in conformity with the nature, purposes, and interests of the Organization.

Article 28. Autonomy in the Performance of Duties

In the performance of their duties, staff members shall not seek or receive instructions from any government or from any authority outside the Organization.

Article 29. Limitation of Activities

Personnel shall refrain from any action that may be incompatible with their position as staff members of the Organization. In this regard, they may not conduct any activity that the Secretary General considers undesirable from the standpoint of the efficient performance of their duties or the prestige of the Organization.

Article 30. Public Activities and Statements

Staff members shall not act or express themselves publicly in any way that might damage or adversely affect the Member States.

Article 31. Discretion

Staff members shall exercise the utmost discretion with respect to all matters of official business. They shall not communicate to any person any restricted information except in the course of their duties or in accordance with the procedure for so doing established by the Secretary General. Nor shall they at any time use such information to private advantage. These obligations undertaken by staff members do not cease upon separation from service.

Article 32. Provision of Services and Acceptance of Benefits^[10]

No staff member shall render services to any government or entity under conditions other than those specifically approved by the Secretary General. No staff member may accept a decoration from any government. Neither may he/she accept honors, awards, remuneration, favors, or gifts when, in the opinion of the Secretary General, this is incompatible with his status as an international civil servant or with the interests of the Organization. No staff member shall be seconded to another international organization, governmental agency, or other entity unless the entity to which the staff member is seconded first agrees to reimburse the full cost of salary and benefits of the staff member as well as any other expenses incurred by the General Secretariat in relation to the secondment.

Article 33. Nomination for Elective Public Office

The acceptance by a staff member of nomination to an elective public office of a political character shall imply the staff member's resignation from his/her post in the General Secretariat.

Article 34. Acceptance of a Governmental Post

The acceptance by a staff member of appointment to a governmental post shall imply his/her resignation from his/her post in the General Secretariat.

Article 35. Statement of Loyalty

Before beginning work, every staff member shall sign a statement in which he/she undertakes to perform his/her duties in accordance with the provisions of the Charter, these Standards, and other pertinent provisions.

Article 36. Government Influence and Support

No staff member may seek the influence or support of a representative or an organ or other entity of the Organization, or of any government, in matters affecting the administration of or discipline in the General Secretariat. All questions regarding these matters shall be settled in accordance with the applicable regulations.

Article 37. Privileges and Immunities

The privileges and immunities that should be granted to the staff members of the General Secretariat, necessary for the performance of their duties, shall be determined by multilateral agreements among the Member States or bilateral agreements between the General Secretariat and the Member States.

SUBCHAPTER C: SALARIES, CLASSIFICATION, AND EVALUATION

Article 38. Classification of Posts

The Secretary General shall issue the administrative provisions for the classification of posts in the professional and general services categories in accordance with the resolutions of the General Assembly and the nature of the pertinent duties and responsibilities. The Secretary General shall include in the proposed program-budget the necessary funds for an audit of classifications of all posts, which shall be conducted at least once every four or six years and completed no later than six months prior to

the Preparatory Committee's review of the proposed program-budget for the following fiscal period.

Article 39. Work Performance Evaluation

Staff members' work performance shall be evaluated periodically. Accordingly, the Secretary General shall issue regulations for an evaluation system pursuant to the provisions of Article 120 of the Charter, which provide for:

- a. Evaluation of the staff at least once a year;
- b. The manner of conducting the evaluation process and its stages;
- c. The guarantees for the staff subject to evaluation; and
- d. The consequences of the evaluation process.

Article 40. Salaries

a. The salaries in force for the staff of the General Secretariat shall be the salaries in force at the United Nations Secretariat, to the extent stated below as permitted within the framework of resolution AG/RES. 1319 (XXV-O/95), entitled "Modification and Clarification of Resolutions AG/RES. 1275 (XXIV-O/94) and CP/RES. 631 (989/94) for the Modification of the General Secretariat's Staff Compensation System."

b. The salary scales in force for net basic salaries shall be those applied by the United Nations Secretariat for the corresponding duty station, based on salary schedules recommended by the International Civil Service Commission.

c. The post adjustment schedules adopted for the United Nations Secretariat shall apply to the staff of the OAS General Secretariat.

d. Pensionable remuneration, as set forth in the salary scales, shall be computed under the formula established in accordance with the objectives of the Retirement and Pension Plan and the resolutions of the General Assembly.

e. The basic salary for the Secretary General shall be computed on July 1, 1995, by deducting from the June 30, 1995, OAS remuneration (basic salary plus cost-of-living adjustment and 2 percent transition payment) the corresponding UN post adjustment factors for Washington, D.C. Subsequent increases in basic salary shall correspond with the decisions of the United Nations to incorporate post adjustment factors into basic salary for all professional level staff members, and the post adjustment factors for Washington, D.C., shall apply to those basic salaries.

f. The basic salary on the scale for staff with dependents for the Assistant Secretary General and the Assistant Secretaries shall be computed on July 1, 1995, by deducting from the June 30, 1995, OAS remuneration for those positions (basic salary plus cost-of-living adjustment and 2 percent transition payment) the corresponding UN post adjustment factors for Washington, D.C. Basic salaries for those positions on the "without dependent" scales shall be 90.3 percent of the basic salaries on the scales for a staff with dependents for those positions. Subsequent increases in basic salary shall correspond with the decisions of the United Nations to incorporate post adjustment factors into basic salary for all professional level staff members, and the post adjustment factors for Washington, D.C., shall apply to those basic salaries.^[11]

g. In addition to the basic salary and other benefits established in these Standards and the other rules and regulations of the General Secretariat for professional staff, the Secretary General, in consultation with the Management Board, may provide the Executive Secretary for Integral Development (Director General of the IACD) with additional emoluments, in accordance with the availability of the resources of the IACD.^[12]

SUBCHAPTER D: RECRUITMENT, SELECTION, AND APPOINTMENT

Article 41. Basic Conditions

a. In selecting the personnel of the General Secretariat, first consideration shall be given to efficiency, competence, and integrity; but at the same time, in the recruitment of personnel of all ranks, importance shall be given to the necessity of obtaining as wide a geographic representation as possible.

b. Persons shall be selected for appointment as staff members without regard to race, creed, or sex.

Article 42. Nationality

Staff members shall be chosen from among nationals of the Member States, except in special cases where the needs of the service require the appointment of nationals of other states.

Article 43. Medical Examination

In order to be appointed to the staff of the General Secretariat, the candidate must first prove by means of a medical examination that he meets the physical and health requirements necessary to perform his duties.

Article 44. Selection to Fill Vacant Posts^[13]

The following provisions shall govern selection of staff members to fill vacant

posts, in accordance with Articles 113 and 120 of the Charter:

a. Except as provided in Section (b) below, the Secretary General shall fill all vacant posts in the General Secretariat by competition, with the advice of the Advisory Committee on Selection and Promotion appointed by the Secretary General. The President of the Staff Association shall be a member of that Committee and all subcommittees thereof.

b. The Secretary General may fill the following vacant posts without competition:

i. Positions of trust, regardless of the source of funding;

ii. Posts to be filled by staff members under a Series A contract, regardless of the source of funding; and

iii. All other posts financed by funds other than the Regular Fund; however a post filled by a staff member under a Series B contract financed by other funds is not exempt unless the competition requirement is deemed inconvenient in accordance with procedures established in the Staff Rules.

c. Any person who has served under Series A contracts financed by the Regular Fund for a total of three years is ineligible to continue serving in the General Secretariat under such contracts, unless that person is selected through competition.

d. All appointments to Series B contracts financed by the Regular Fund shall be made by way of competition in accordance with the external recruitment process, which shall include advertisement of the post on the Internet, timely and immediate notification of the recruitment announcement to the permanent missions to the OAS, and other effective means of publicizing the recruitment notice. Nonetheless, appointments to reclassified posts funded by the Regular Fund and already occupied by a qualified incumbent under a Series B contract, continuing contract, or Career Service appointment may proceed by way of competition in accordance with the internal recruitment process.

e. Every candidate in a competition for a professional-level Series B contract financed by the Regular Fund who has been certified by the Department of Human Resources Services as satisfying the minimum requirements for the post and has been ranked among the top three candidates by the director who requested the recruitment shall be required to submit to a personal or a teleconference interview by a panel of three or more persons. The panel shall include the director of the

department that requested the recruitment, a specialist from the Department of Human Resource Services, and a member of the Advisory Committee on Selection and Promotion. The panel shall report the interview results to the Advisory Committee on Selection and Promotion, which shall take them into account in its evaluation of the candidates. The Secretariat shall not pay or otherwise reimburse candidates from the Regular Fund for their interview-related expenses.

f. In every phase of the recruitment process, the importance of obtaining as wide a geographic representation as possible shall be taken into account.

Article 45. Preference In Filling Vacant Posts

In filling vacant posts, the Secretary General shall give preference, other conditions being equal, first to Career Service personnel, and second to the other staff members. This preference shall not apply to staff members who are contracted under new contracts after June 30, 2002, or whose contracts are extended or renewed after that date.

Article 46. Probationary Period

a. Persons appointed for a period of one year or more shall be required to serve a probationary period of six months, beginning on the day that they report for duty in the position. In exceptional cases, this period may be extended by the Secretary General, but in no instance shall the probationary period exceed 12 months.

b. The Secretary General may terminate the appointment of a staff member who has not completed his probationary period, when he/she considers this advisable in the interest of the General Secretariat. The probationary period requirement shall not apply to members of the Career Service or staff members on continuing contracts.

Article 47. Register of Staff Members^[14]

The General Secretariat shall distribute each quarter to the Member States an up-to-date register of the staff members, by dependency, indicating name, type of employment, grade and step, nationality, country of origin, duty station, fund and projects financing the post, gender, date of entry into the General Secretariat, and date of entry into the grade and whether the staff member is receiving Special Duties Allowance. The register shall also include statistics on average grade and ratio of supervisors to employees for each dependency of the General Secretariat and for the General Secretariat as a whole, together with statistics on the distribution of staff members by fund, grade, gender, and geographic distribution. Geographic distribution statistics shall be computed by methods similar to those used by other major international organizations and shall include both country of origin and nationality.

SUBCHAPTER E: BENEFITS

Article 48. Vacations

a. Staff members shall be entitled to annual leave in accordance with the following scale:

- i. Those with 1 through 3 years of service: 21 working days;
- ii. Those with 4 through 5 years of service: 24 working days;
- iii. Those with more than 5 years of service: 30 working days.

b. The staff members may accumulate unused annual leave up to a maximum of 60 working days.

Article 49. Leave

The Secretary General may authorize special leave in exceptional cases.

Article 50. Social Security

The General Secretariat shall maintain a system of social security for the staff which shall include, to the extent determined by the competent organs of the Organization, provisions for health protection, sick leave and maternity leave, reasonable compensation in the event of illness, accident, or death resulting from the performance of official duties in the service of the General Secretariat, and retirement and pension or savings.

Article 51. Travel, Installation, and Repatriation Expenses

In accordance with the General Standards and the budgetary provisions established by the General Assembly, the General Secretariat shall pay travel, installation, and repatriation expenses of staff members and their dependents, and shall issue pertinent regulations.

Article 52. Other Entitlements and Benefits

Staff members shall enjoy those other additional entitlements and benefits resulting from provisions or rules issued by the competent organs of the Organization in accordance with such general standards and budgetary provisions as may be established by the General Assembly. The Secretary General may periodically recommend to the Permanent Council changes in benefits and benefit levels. Changes in benefits and benefit levels shall not be binding on the Organization unless the corresponding funding is expressly provided for and itemized in the program-budget.

SUBCHAPTER F: LABOR RELATIONS

Article 53. The Staff Association and Staff Committee

a. In order to maintain continuing contact between the staff

and the Secretary General, there shall be a Staff Association, made up of all the members of the staff of the General Secretariat. The Staff Committee shall be the executive organ of the Association, and it shall be empowered to make proposals and to discuss them with the Secretary General or with the representative he/she designates, on all matters that are of common interest to the staff members or that affect their well-being, including their working conditions.

b. In the membership of the Staff Committee, equitable representation shall be given to the various categories of personnel included in the classification system. The members of the Staff Committee shall be elected in accordance with the Rules of Procedure of the Association, adopted by the Association and approved by the Secretary General.

SUBCHAPTER G: DISCIPLINE, SEPARATION FROM SERVICE, DISPUTE RESOLUTION, AND INDEMNITIES

Article 54. Adoption of Disciplinary Measures

The Secretary General may adopt, in accordance with the pertinent regulatory provisions, disciplinary measures for unsatisfactory performance of work or for conduct not in conformity with these Standards.

Article 55. Types of Disciplinary Measures

Disciplinary measures shall consist of oral or written admonition, written censure, suspension, and dismissal.

Article 56. Advisory Committee on Disciplinary Measures

The Secretary General shall establish a committee to advise him/her on the subject and application of disciplinary measures. The Staff Association shall be represented on that committee.

Article 57. Separation from Service

The Secretary General is empowered to terminate the appointment of a staff member:

- a. In case of prolonged illness, in accordance with the pertinent regulatory provisions;
- b. When with respect to a member of the Career Service it becomes necessary to abolish a post, as a result of the reduction in staff or of the reorganization of an office of the General Secretariat, after application of the provisions of Articles 18(b)(iv) and 45 of these Standards;
- c. When, with respect to all staff members other than members of the Career Service:

- i. The post occupied by the staff member is either abolished or assigned to a member of the Career Service under Article 18(b)(iv) as the result of a Secretariat-wide reduction in force or the reorganization of an office;
 - ii. When the object of the staff member's employment is to carry out a specific program or attain a stated purpose and the specific program ends or the stated purpose is attained;
 - iii. When funding for the post occupied by the staff member is not approved in the program-budget; or
 - iv. When the staff member's post is reclassified to a higher level and the staff member is not selected in the competition to fill it.
- d. When the staff member's services are not satisfactory;
 - e. Whenever the staff member fails to fulfill the requirements of service contained in these General Standards, in the Staff Rules, or in his/her employment contract;
 - f. When he/she has reached the age of 65; and
 - g. When, in consultation with the Assistant Secretary General, the Executive Secretary for Integral Development, the Assistant Secretaries, and the staff member's immediate supervisor, it is considered to be in the best interest of the Organization. In this case, the staff member concerned shall have the right to be heard by the Secretary General and shall be entitled to all the benefits and indemnities to which he/she would be entitled had his/her service been terminated for any of the other reasons specified in this article.

Article 58. Notice

All staff members whose services are terminated under Article 57 above shall be entitled to a termination notice given prior to the effective termination date. Notice period shall be 60 days for career staff members. For all other staff members, the notice period shall be no less than seven days and no more than 60 days prior to the effective termination date, as determined by the General Secretariat and stated in the staff member's document of appointment.^[15]

Article 59. Summary Dismissal

The Secretary General may summarily dismiss any staff member for serious misconduct.

Article 60. Resignation

A staff member may resign from his/her position in the General Secretariat by presenting his resignation to the Secretary General, with the advance notice stipulated in his/her document of appointment.

Article 61. Separation Indemnity^[16]

Except as provided in Article 62, the General Secretariat shall provide a separation indemnity to all members of the Career Service and to all other staff members who are separated from service after having been employed continuously for more than three years under fixed-term contracts. Such indemnity shall be calculated and paid in accordance with the pertinent Staff Rules.

Article 62. Inapplicability of Indemnity Provisions^[17]

A separation indemnity shall not be paid when:

- a. A staff member's services are terminated during the probationary period of Article 46 of these Standards;
- b. A staff member resigns;
- c. A staff member under fixed-term contract is separated from service by way of termination or expiration of contract before completing more than three years of service under fixed-term contracts;
- d. A staff member's appointment to a position of trust is terminated or otherwise expires in accordance with Article 21;
- e. The staff member's services are terminated or the staff member is dismissed for serious misconduct, including, but not limited to:
 - i. Abandonment of post;
 - ii. Having made serious false statements related to the staff member's employment;
- f. The staff member is retired in accordance with the provisions for compulsory retirement of the Retirement and Pension Plan;
- g. A staff member on a continuing contract is separated from service on or after his/her 65th birthday.

Article 63. Adjustment of the Termination Indemnity and Repatriation Grant for Payments Already Received for Prior Service^[18]

- a. The number of months of basic salary of any separation indemnity paid upon separation from service to a staff member under any contract of employment shall be deducted from any separation indemnity that the staff member may otherwise be entitled to receive under any future

contract with the General Secretariat, so that the staff member may not receive a total number of months of basic salary as termination indemnity from the General Secretariat during his/her lifetime in excess of the maximum nine months payable under these General Standards and the Staff Rules.

b. The amount of any repatriation grant paid upon separation from service to a staff member under any contract or appointment shall be deducted from any repatriation grant entitlement that the staff member may otherwise have under any future contracts with the General Secretariat, so that the staff member may not receive during his/her lifetime a total number of weeks of basic salary as repatriation grant in excess of the maximum payable under the Staff Rules in accordance with his/her dependency status.

Article 64. Right to Hearing

Every staff member shall be entitled to a hearing with respect to the application of disciplinary measures or other administrative measures that affect his/her interests.

Article 65. Right to Reconsideration

Every staff member shall be entitled to request the Secretary General to reconsider any disciplinary measure taken against him/her, or any administrative measure with respect to which he/she alleges noncompliance with the conditions set forth in his/her appointment or with any pertinent provisions of these General Standards or of the Staff Rules.

Article 66. Advisory Committee on Reconsideration

The Secretary General shall establish a committee to advise him/her in those cases of reconsideration referred to in the preceding article. The Staff Association shall be represented on that committee.

Article 67. Appeal to the Administrative Tribunal

When the procedures set forth in these Standards and in the other provisions in force in the General Secretariat have been exhausted, an interested party who considers himself/herself injured shall have the right to appeal to the Administrative Tribunal of the Organization, in accordance with the provisions of the Statute of that Tribunal.

SUBCHAPTER H: MISCELLANEOUS PROVISIONS

Article 68. Scope of the Term "Staff Members"

For the purposes of these General Standards, it shall be understood that the term "staff members" shall include the Secretary General, the Assistant Secretary General, the Executive Secretary for Integral Development, and the Assistant Secretaries, in any matters that may be applicable to them.

Article 69. Applicability of the General Standards on Personnel Matters

The standards in this chapter shall apply, according to the provisions established in each one and unless otherwise stated herein, to all staff members.

Article 70. Amendments to the General Standards on Personnel Matters

These General Standards may be amended only by the General Assembly.

[1]. Adopted by the General Assembly through resolution AG/RES. 123 (III-O/73) and amended through resolutions AG/RES. 248 (VI-O/76), AG/RES. 256 (VI-O/76), AG/RES. 257 (VI-O/76), AG/RES. 301 (VII-O/77), AG/RES. 359 (VIII-O/78), AG/RES. 404 (IX-O/79), AG/RES. 438 (IX-O/79), AG/RES. 479 (X-O/80), AG/RES. 671 (XIII-O/83), AG/RES. 672 (XIII-O/83), AG/RES. 731 (XIV-O/84), AG/RES. 791 (XV-O/85), AG/RES. 842 (XVI-O/86), AG/RES. 981 (XIX-O/89), AG/RES. 1036 (XX-O/90), AG/RES. 1137 (XXI-O/91), AG/RES. 1321 (XXV-O/95), AG/RES. 1322 (XXV-O/95), AG/RES. 1. (XXV-E/98), AG/RES. 3 (XXVI-E/99), AG/RES. 1725 (XXX-O/00), AG/RES. 1839 (XXXI-O/01), AG/RES. 1873 (XXXII-O/02), AG/RES. 1909 (XXXII-O/02), AG/RES. 2059 (XXXIV-O/04), AG/RES. 2156 (XXXV-O/05) and AG/RES. 2157 (XXXV-O/05), AG/RES. 2302 (XXXVII-O/07), AG/RES. 2353 (XXXVII-O/07), AG/RES. 2754 (XLII-O/12), AG/RES. 2755 (XLII-O/12) and AG/RES. 2756 (XLII-O/12), and by the Permanent Council through resolutions CP/RES. 652 (1033/95), CP/RES. 703 (1122/97), CP/RES. 761 (1217/99), CP/RES. 910 (1568/06), and CP/RES. 919 (1597/07) pursuant to the authority conferred by the General Assembly in resolutions AG/RES. 1319 (XXV-O/95), AG/RES. 1382 (XXVI-O/96), AG/RES. 1603 (XXXVIII-O/98), and AG/RES. 2257 (XXXVI-O/06), respectively.

[2]. Chapter III has been modified and reorganized as a result of resolution AG/RES. 1873 (XXXII-O/02) of the General Assembly at its thirty-second regular session in June 2002. For a complete section-by-section analysis of Chapter III see document entitled "Draft Resolution: Career Service," (CP/CAAP-2618/02 rev. 1, May 9, 2002), adopted by the Permanent Council on May 15, 2002 (CP/doc.3601/02) at www.oas.org/legal/english/Standards/cp09888e06.doc

[3]. Paragraphs iii (a) and iii (b) added as a result of resolution AG/RES. 2048 (XXXIV-O/04) of the General Assembly at its thirty-fourth regular session in June 2004.

[4]. Paragraph amended by resolution AG/RES. 3 (XXVI-E/99) of the General Assembly at its twenty-sixth special session in November 1999, and by resolution AG/RES. 2755 (XLII-O/12) of the General Assembly at its forty-second regular session in June 2012.

[5]. Article 21(b)(v) added as a result of resolution AG/RES. 1909 (XXXII-O/02) of the General Assembly at its thirty-second regular session in June 2002. It was also amended by resolution AG/RES. 2156 (XXXV-O/05) of the General Assembly at its thirty-fifth regular session in June 2005, and by resolution AG/RES. 2755 (XLII-O/12) of the General Assembly at its forty-second regular session in June 2012.

[6]. Article 21(b)(vi) added as a result of resolution AG/RES. 2755 (XLII-O/12) of the General Assembly at its forty-second regular session in June 2012.

[7]. Article 21 bis. added as a result of resolution AG/RES. 2755 (XLII-O/12) of the General Assembly at its forty-second regular session in June 2012.

[8]. Article 21 ter. added as a result of resolution AG/RES. 2755 (XLII-O/12) of the General Assembly at its forty-second regular session in June 2012.

[9]. Article added *ad referendum* of the General Assembly as a result of resolution CP/RES. 761 (1217/99) of the Permanent Council, and approved by resolution AG/RES. 1725 (XXX-O/00) of the General Assembly at its thirtieth regular session in June 2000.

Article 23(a) and (b)(i) were amended *ad referendum* of the General Assembly by resolution CP/RES. 910 (1568/06) of the Permanent Council. These amendments were approved by resolution AG/RES. 2353 (XXXVII-O/07) of the General Assembly at its thirty-seventh regular session in June

2007.

[10]. Article amended by resolution AG/RES. 1 (XXV-E/98) of the General Assembly at its twenty-fifth special session in November 1998.

[11]. Paragraph amended by resolution AG/RES. 3 (XXVI-E/99) of the General Assembly at its twenty-sixth special session in November 1999.

[12]. Paragraph added as a result of resolution AG/RES. 3 (XXVI-E/99) of the General Assembly at its twenty-sixth special session in November 1999.

[13]. Article amended *ad referendum* of the General Assembly by resolution CP/RES. 761 (1217/99) of the Permanent Council, and approved by resolution AG/RES. 1725 (XXX-O/00) of the General Assembly at its thirtieth regular session in June 2000.

[14]. Article amended by resolution AG/RES.2755 (XLII-O/12) of the General Assembly at its forty-second regular session in June 2012.

[15]. Paragraph amended *ad referendum* of the General Assembly by resolution CP/RES. 761 (1217/99) of the Permanent Council, and approved by resolution AG/RES. 1725 (XXX-O/00) of the General Assembly at its thirtieth regular session in June 2000.

[16]. Article amended *ad referendum* of the General Assembly by resolution CP/RES. 761 (1217/99) of the Permanent Council, and approved by resolution AG/RES. 1725 (XXX-O/00) of the General Assembly at its thirtieth regular session in June 2000.

[17]. Article amended *ad referendum* of the General Assembly by resolution CP/RES. 761 (1217/99) of the Permanent Council, and approved by resolution AG/RES. 1725 (XXX-O/00) of the General Assembly at its thirtieth regular session in June 2000.

[18]. Article added by resolution AG/RES. 2157 (XXXV-O/05) of the General Assembly at its thirty-fifth regular session in June 2005.