Note to Chef de Cabinet

Draft Revised Secretary-General's Bulletin on the Delegation of Authority under the Staff Regulations and Staff Rules

1. The memorandum from the Under-Secretary-General for Management on the above-mentioned subject refers. The memorandum, containing a proposed revised Secretary-General's bulletin, is submitted for your review and consideration further to a comprehensive review of the delegation of authority in the administration of the Staff Regulations and Staff Rules. It should be recalled that the review was required following multiple General Assembly resolutions (e.g., A/RES/64/259), OIOS recommendations, tribunal jurisprudence and the issuance of the revised Staff Rules in 2009.

2. The proposed revised bulletin sets out the principles governing delegation of authority in human resources management and captures the elements of the Staff Regulations and Staff Rules that shall remain with the Secretary-General, which are primarily related to the Assistant Secretary-General (ASG) and Under-Secretary-General (USG) levels. Additionally, the revised bulletin articulates:

i. authorities in the administration of the Staff Regulations and Staff Rules that are delegated to the Under-Secretary-General for Management;
ii. a few line items where authorities are directly delegated by the Secretary-General to the Ethics Office or the Office of Legal Affairs;
iii. a framework for the further sub-delegation from the Under-Secretary-General for Management to other officials.

3. With the promulgation of this bulletin an administrative instruction, which will detail further sub-delegation from the Under-Secretary-General for Management to other officials shall be finalised.

4. The proposed bulletin was prepared by the Department of Management and has been cleared by the United Nations Legal Counsel/Under-Secretary-General for Legal Affairs.

Recommended course of action

5. Approval for the proposed revised Secretary-General's bulletin is recommended.

Patrick Carey
25 March 2015

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United Nations Nations Unies

INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

TO: The Secretary-General
A:

DATE: 12 March 2015

REF:

THROUGH: Mr. Miguel de Serpa Soares
S/C DE: Under-Secretary-General for Legal Affairs and United Nations Legal Counsel

FROM: Yukio Takasu
DE: Under-Secretary-General for Management

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SUBJECT: **Proposed SGB on the revised Staff Regulations**
OBJET:

1. Please find attached draft Secretary-General's bulletin on the Administration of the Staff Regulations and Rules.

2. This bulletin is the first step in the comprehensive revision of Secretariat-wide authorities in human resources management. It provides an update to the somewhat outdated current delegations and follows requests by the General Assembly as well as audit recommendations by OIOS.

3. Specifically, this bulletin:

   a. clarifies what decisions are retained by the Secretary-General under the Staff Regulations and Rules, primarily relating to decisions pertaining to Under-Secretaries-General and Assistant Secretaries-General;

   b. clarifies delegations of authorities to the Under-Secretary-General for Management and, where applicable, the Office of Legal Affairs;

   c. sets out the principles governing delegation of authority in human resources management;

   d. addresses some shortcomings identified in the current delegation system following UN tribunal judgements; and

   e. provides a framework for the forthcoming revisions of delegations below the level of USG/DM, which will follow through administrative instructions in due course.

4. I recommend you approve the bulletin for promulgation.

HRM/02/001

Note to Mr. Toh, OIC/DM

Retention in mission service beyond the mandatory age of separation
Delegation of authority to DPKO

Last year, Mr. Riza requested that, in view of the vastly increased needs of peace operations, DPKO's authority to retain staff in mission service be extended from one year, as is currently the case, to four years beyond the mandatory age of separation.

I have discussed this request at some length with Ms. Lute, who emphasized that DPKO considers retaining staff in mission service only in those cases where it is not possible to meet the specific needs of the mission by other means. I would be reluctant, however, to recommend approval of the blanket extension of delegated authority mentioned by Mr. Riza as extensions should be for a limited period, and require in each case proper justification for continued retention in service.

I would therefore recommend the following for your approval:

1. DPKO would have authority to extend staff for mission service who have reached the age of retirement for a continuous period of up to one year, and to renew such extension one year at a time for a cumulative period not to exceed three years beyond the mandatory age of separation;

2. For each extension, DPKO would need to place on record the specific needs of service justifying the extension, and to certify that the performance of the staff member concerned is satisfactory;

3. Any extension beyond the three-year period would need to be submitted to OHRM with appropriate justification.

Approved.

11 May 2005

Rosemary McCreery
6 May 2005

cc.: Ms. Beagle
Ms. Haji-Ahmed

DMSS/DM
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ACTION Pa RT's approval
CC:

United Nations ST/SGB/2015/XX

Secretariat

XX MMMM 2015

Secretary-General's Bulletin

Delegation of Authority in the Administration of the Staff Regulations and Staff Rules

The Secretary-General, for the purpose of strengthening accountability in the United Nations Secretariat and addressing the current delegation of authority system through the promulgation of well-defined roles and responsibilities at all levels to whom authority is delegated, and taking into consideration General Assembly resolution 64/259 of 5 May 2010, "Towards an accountability system in the United Nations Secretariat," promulgates the following:

Section 1
Purpose

The purpose of this Bulletin is to consolidate and update the current system on delegated authority in the administration of the Staff Regulations and Rules. This Bulletin clarifies which authority remains with the Secretary-General.

Section 2
Principles of delegation of authority in the administration of the Staff Regulations and Staff Rules

2.1 As the chief administrative officer of the Organization, the Secretary-General holds the primary authority and accountability for the administration of the Staff Regulations and Rules. The Secretary-General's authority may be delegated in accordance with the principles set out in this Bulletin.

2.2. Where the Secretary-General has delegated the authority to administer the Staff Regulations and Rules to officials, such delegation shall be understood to be on a functional, rather than personal basis, unless the Secretary-General has expressly indicated otherwise.

2.3 Delegated authority may be further delegated, unless such further delegation has been excluded in writing.

2.4 When the official holding the delegated authority is absent, the authority shall automatically be further delegated on a temporary basis to the designated Officer-in-Charge, without limitation, unless otherwise specified in writing by the official who designated the Officer-in-Charge.

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2.5 A delegation of authority entails the responsibility for duly discharging the authority and accountability for incorrectly applying or failing to correctly discharge the authority.

2.6 The authority to administer the Staff Regulations and Rules shall be exercised in accordance with the policies of the Organization as announced through Secretary-General's Bulletins, administrative instructions and other guidelines.

Section 3
Reserved and delegated authority in the administration of the Staff Regulations and Rules

3.1 The matters reserved exclusively for the Secretary-General's decision are set out in the Annex to this Bulletin. All matters for the decision of the Secretary-General will be submitted to him or her through the Under-Secretary-General for Management except in the case of staff regulation 1.1 (f).

3.2 With the exception of the matters reserved exclusively for the Secretary-General or as otherwise indicated in the Annex, all other matters related to the administration of the Staff Regulations and Rules are delegated to the Under-Secretary-General for Management.

3.3 The Under-Secretary-General for Management may delegate such authority further as he or she deems appropriate, through the issuance of an administrative instruction including to heads of departments and offices, offices away from headquarters, regional commissions, and other entities. In urgent cases, the Under-Secretary-General for Management may delegate authority through a memorandum. Officials to whom the Under-Secretary-General delegates authority may further delegate such authority in writing.[1]

Section 4
Existing delegations of authority

4.1 In the exercise of his delegated authority related to the administration of the Staff Regulations and Rules, the Under-Secretary-General for Management may amend, supersede, revoke or revise any and all existing delegations of authority unless such authority is retained by the Secretary-General or as otherwise indicated in the Annex to this Bulletin.

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[1] Use of electronic tools such as software applications designed to record delegations of authority satisfies the requirement for delegations in writing provided such tools offer appropriate audit trails.

4.2 Notwithstanding section 3.2, the delegations of authority which currently exist through administrative issuances, memoranda or other written communications shall continue to be applicable unless (i) such authority is retained by the Secretary-General or as otherwise indicated through this Bulletin; (ii) abolished in accordance with section 5 below; or (iii) otherwise amended, superseded, revoked or revised by decision of the Under-Secretary-General for Management.

4.3 The Under-Secretary-General for Management shall exercise any other authority related to the administration of the Staff Regulations and Rules which is (i) not retained by the Secretary-General or otherwise indicated in this Bulletin; and (ii) not delegated to other officials under existing delegations.

4.4 Where existing delegations of authority refer to provisions of the Staff Regulations and Staff Rules that are no longer in force, the most closely associated provisions of the Staff Regulations and Rules currently in force shall apply.

Section 5
Final provisions

5.1 This Bulletin enters into force on the date of its issuance.

5.2 The following administrative issuances or annexes thereto are hereby superseded:

(a) ST/SGB/151, entitled "*Administration of the Staff Regulations and Staff Rules*;"[2]

(b) ST/AI/388, entitled "*Personnel Arrangements for the United Nations International Drug Control Programme (UNDCP);*" and

(c) Annex I of ST/AI/234 Rev.1, entitled "Administration of the Staff Regulations and Staff Rules."

BAN Ki-moon
Secretary-General

[2] Except paragraph 5, item (c) that remains delegated to the Controller until superseded through an administrative issuance by the Under-Secretary-General for Management.

ANNEX

UN Staff Regulations	UN Staff Rules	Decision	Retained by the Secretary-General indicated with "x" unless otherwise indicated
ARTICLE I	**CHAPTER I**		
Regulation 1.1 (f)		Decision whether privileges and immunities exist and Decision to waive them.	**X**[3]
Regulation 1.2 (c)		Decision to assign a staff member to any of the activities or offices of the United Nations at the Assistant Secretary-General (ASG) and Under-Secretary-General (USG) levels.	**X**
Regulation 1.2 (n)	**Rule 1.2 (q)**	Establishment of procedures for filling and utilizing of financial disclosure statements.[4]	**X**

[3] See section 3.1 of this SGB.

4 The Secretary-General has delegated the administration of the Financial Disclosure programme to the Ethics Office; see ST/SGB/2005/22 (as may be amended or superseded by another issuance on this subject).

UN Staff Regulations	UN Staff Rules	Decision	Retained by the Secretary-General indicated with "x" unless otherwise indicated
	Rule 1.3 (c)	Promulgation of procedures on performance report preparation – for staff at the ASG and USG levels.	**X**
ARTICLE III	**CHAPTER III**		
Regulation 3.1, Annex I, para. 2		Authority to make additional payments to staff at the ASG and USG levels.	**X**
	Rule 3.10 (b) and (c)	Granting of special post allowance at D-2 and above levels.	**X**
ARTICLE IV	**CHAPTER IV**		
Regulation 4.1	**Rule 4.1**	Offers of appointment for staff being recruited at the ASG and USG levels. Issue of offers of appointment letter for staff being recruited at the ASG and USG levels.	**X**

UN Staff Regulations	UN Staff Rules	Decision	Retained by the Secretary-General indicated with "x" unless otherwise indicated
Regulation 4.1[5],4.3 and 4.5 (a)		Selection of staff members at the D-2 and above levels (following review by Senior Review Group where required) and renewal of appointments of staff at ASG and USG levels.	**X**
Regulation 4.5 (d)	**Rule 4.14 (c)**	Prescription on which staff members are eligible for continuing appointments.[6]	**X**
	Rule 4.12 (a) and (b)	Decision to grant temporary appointments to staff at the ASG, USG and D-2 levels and to exceptionally renew such appointments for up to one additional year.	**X**
	Rule 4.15	Appointment of members of the Senior Review Group.	**X**
ARTICLE VIII	**CHAPTER VIII**		

5 See also Rule 4.15.
6 Subject to General Assembly resolutions 63/250 and 65/247.

UN Staff Regulations	UN Staff Rules	Decision	Retained by the Secretary-General indicated with "x" unless otherwise indicated
Regulation 8.1 (b)		Agreement to electoral regulations drawn up by the staff representative bodies.	X
Regulation 8.2		Establishment of joint staff-management machinery.	X
	Rule 8.2 (a)-(e)	Selection of the President of the joint staff management bodies under rule 8.2 (a), and designation of Secretaries.	X
ARTICLE IX	**CHAPTER IX**		
Regulation 9.2		Decision to retain in service beyond the age of 60, 62 or 65 as applicable, staff members at the D-2 level or above.	X
	Rule 9.2 (b) and (c)	Acceptance of resignations on short notice of staff at the ASG or USG levels. Decision to require submission of resignations by staff at those levels in person.	X

UN Staff Regulations	UN Staff Rules	Decision	Retained by the Secretary-General indicated with "x" unless otherwise indicated
Regulation 9.3 (a)(i)	**Rule 9.6 (c)(i)**	Termination on abolition of posts or reduction of the staff at the ASG and USG levels.	**X**
Regulation 9.3 (a)(ii)	**Rule 9.6 (c)(ii).**	Termination of appointments for unsatisfactory service of staff at the ASG and USG levels.	**X**
Regulation 9.3 (a)(iv)	**Rule 9.6 (c)(iv)**	Termination of appointments for conduct falling short of the highest standards of integrity of staff at the ASG and USG levels. Termination for disciplinary reasons of staff at the ASG and USG levels.[7]	**X**
Regulation 9.3 (a)(v)	**Rule 9.6 (c)(v)**	Termination for facts anterior to the appointment of the staff member and relevant to his or her suitability having come to light that should have precluded his or her appointment, for staff at the ASG and USG levels.	**X**

7 See also Staff Regulation 10.1 below for decision on disciplinary measures.

UN Staff Regulations	UN Staff Rules	Decision	Retained by the Secretary-General indicated with "x" unless otherwise indicated
Regulation 9.3 (a)(vi)	**Rule 9.6 (c)(vi)**	Offer and approval of agreed termination of appointment and related separation package for a staff member at the D-2 or above (where the termination is not contested by staff member).	**X**
Regulation 9.3 (b)	**Rule 9.6 (d)**	Termination of continuing appointments without consent of the staff members, in the interest of the good administration of the organization, at the D-2 and above levels.	**X**
Regulation 9.3 (c) & Annex III (c)		Decision to pay and/or limit indemnity to a staff member terminated for unsatisfactory service or who for disciplinary reasons is separated from service for misconduct other than by dismissal at the ASG and USG levels.	**X**
Regulation 9.3 (d)		Decision to pay higher termination indemnity when terminating appointments of staff at the D-2 or above levels.	**X**
	Rule 9.3	Decision to separate staff on abandonment of post at the ASG or USG levels.	**X**
	Rule 9.7 (d)	Decision to pay compensation in lieu of notice for termination of staff at the ASG and USG levels.	**X**

UN Staff Regulations	UN Staff Rules	Decision	Retained by the Secretary-General indicated with "x" unless otherwise indicated
ARTICLE X	**CHAPTER X**		
Regulation 10.1		Decision to impose disciplinary measure on staff at the ASG or USG levels.	**X**
	Rule 10.1 (b)	Decision to require staff at the ASG or USG levels to reimburse the United Nations for financial loss.	**X**
	Rule 10.1 (c)	Decision to launch an investigation[8] into allegations of misconduct of staff at the ASG and USG levels.	**X**
	Rule 10.2 (b)(i)	Decision to reprimand staff at the ASG or USG levels.	**X**
	Rule 10.3 (a)	Decision to initiate the disciplinary process concerning staff at the ASG or USG levels.	**X**
	Rule 10.3 (d)[9]	Authority to appeal against a judgment of the United Nations Dispute Tribunal.	**Authority to file appeals on behalf of the Secretary-**

8 The Office of Internal Oversight Services' (OIOS) authority to initiate and conduct investigations is not impacted by this delegated authority.
9 See also Rule 11.5 (b).

UN Staff Regulations	UN Staff Rules	Decision	Retained by the Secretary-General indicated with "x" unless otherwise indicated
			General is delegated to officials of the Office of Legal Affairs
	Rule 10.4 (a)&(c)	Decision to grant/place on administrative leave with or without pay pending investigation of staff at the ASG and USG levels.	**X**
ARTICLE XI	**CHAPTER XI**		
	Rule 11.2 (d)	Response to the management evaluation request submitted by staff at the ASG or USG levels contesting an administrative decision.	**X**
	Rule 11.5 (b)	Authority to appeal against a judgment of the United Nations Dispute Tribunal.	**Authority to file appeals on behalf of the Secretary-General is delegated to officials of the Office of Legal Affairs**
ARTICLE XII	**CHAPTER XII**		

UN Staff Regulations	UN Staff Rules	Decision	Retained by the Secretary-General indicated with "x" unless otherwise indicated
Regulation 12.2	**Rule 12.3 (a)**	Provisional amendments of the Staff Rules.	**X**
	CHAPTER XIII		
	Rule 13.1 (b) (ii)	Appointment of special advisory board.	**X**
	Rule 13.4	Decision to grant permanent appointments to staff with five or more consecutive years of service on 100 series of Staff Rules on or before 30 June 2009 and who were 53 years of age on completion of five years, for staff at the D-2 level.	**X**