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[DELEGATION OF AUTHORITY GUIDELINES \(App. D to MS 119 refers\)](#)

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**MANUAL****MS 330 – DISCIPLINARY MEASURES****330.1 INTRODUCTION**330.1.1 General**STAFF REGULATIONS**301.10 Disciplinary Measures

- .10.1 The Director-General may establish an administrative machinery with staff participation which will be available to advise him in disciplinary cases.
- .10.2 The Director-General may impose disciplinary measures on staff members whose conduct is unsatisfactory, and may summarily dismiss a member of the staff for serious misconduct.
- .10.3 Staff members whose appointments are terminated by the Organization, or who are demoted or suspended, shall be entitled to a written statement of cause at the time notice is given, and an opportunity to reply in writing.

**STAFF RULES**

- 303.0.1 Formal Measures. Disciplinary measures imposed by the Director-General upon staff members whose conduct is unsatisfactory shall consist of written censure, suspension without pay, demotion, or dismissal for misconduct, provided that suspension pending investigation under Staff Rule [303.0.3](#) shall not be considered a disciplinary measure.
- .0.2 Written Censure. Written censure as provided under Staff Rule [303.0.1](#) shall be distinguished from written or oral reprimand of a staff member by a supervisory official. Such written or oral reprimand shall not be deemed to be a disciplinary measure within the meaning of this Rule.
- .0.3 Suspension Pending Investigation. If a charge of misconduct is made against a staff member and the Director-General so decides, the staff member may be suspended from duty, with or without pay, pending investigation, the suspension being without prejudice to the rights of the staff member.
- .0.4 Suspension without Pay as a Disciplinary Measure. Staff members who are suspended without pay as a disciplinary measure under Staff Rule [303.0.1](#) shall be removed from pay status during the period of such suspension and shall not accrue service credits towards annual, sick, home leave, family visit travel, salary increment, separation payments scheme, termination indemnity or repatriation grant during the period. If such staff members wish to continue medical insurance and participation in the United Nations Joint Staff Pension Fund during the period of suspension, they shall pay their own and the Organization's contributions thereto, subject to the Regulations and Rules of the UNJSPF.

- .1.11 This Manual Section supplements Staff Regulation [301.10](#) and [Chapter X](#) of the Staff Rules on disciplinary measures.



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- 330.1.2 Application. Provisions of this Manual Section apply to all staff members of the Organization, including field personnel, consultants, temporary conference staff, and other short-term personnel.
- .1.21 For the purpose of this Manual Section “Director of Human Resources” means the Director, Human Resources Management Division, AFH (FAO) and the Director, Human Resources Division, HR (WFP). “Human Resources Management Division” means one or other of these organizational units, as appropriate.
- 330.1.3 Purpose of Disciplinary Measures. The purpose of disciplinary measures is to protect the integrity and efficiency of the Organization. They are not imposed without a thorough investigation of the facts, and without affording the staff member concerned an opportunity to state his case to the responsible officer.
- .1.31 Disciplinary measures may take the form of written censure, of suspension without pay, of demotion, of dismissal for misconduct, and of summary dismissal for serious misconduct.
- .1.32 Reprimand. An oral or written reprimand does not constitute a disciplinary measure but is a formal warning to the staff member involved. A written reprimand is distinguished from a written censure (see [para. 330.2.1](#)) by the gravity of the misconduct.
- 330.1.4 Responsibility for Imposition
- .1.41 A disciplinary measure may be imposed by the following officers:
- (a) For staff members at the D-1 level and above, other than staff of the World Food Programme, the Assistant Director-General, Administration and Finance Department, makes recommendations to the Director-General, who retains authority to impose disciplinary measures;
  - (b) For staff members of the World Food Programme at the D-1 level and above, the Deputy Executive Director of the World Food Programme makes recommendations to the Executive Director of the World Food Programme who has authority to impose disciplinary measures;
  - (c) For staff members at the P-5 level and below, other than staff of the World Food Programme, authority is delegated to the Assistant Director-General, Administration and Finance, except for summary dismissal for serious misconduct, authority for which is retained by the Director-General (see Manual [para. 330.2.5](#));
  - (d) For staff members of the World Food Programme at the P-5 level and below, authority is delegated to the Deputy Executive Director of the World Food Programme, except for summary dismissal for serious misconduct, authority for which is retained by the Executive Director of the World Food Programme (see Manual [para. 330.2.5](#)).
- .1.42 Other officers who are so delegated by the officers mentioned in [para. 330.1.41](#) may also impose disciplinary or related measures in accordance with the provisions of this Manual Section.



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330.1.5 Unsatisfactory Conduct

- .1.51 Unsatisfactory conduct on the part of a staff member is conduct which is incompatible with the staff member's undertaken or implied obligation to the Organization or failure to comply with the requirements of Article I of the Staff Regulations.
- .1.52 Without restricting the generality of [para. 330.1.51](#), the following are specific examples of unsatisfactory conduct:
- (a) Use of official position, authority, or property for pecuniary gain or advantage for staff member or others.
  - (b) Abuse of authority or trust to the detriment of the Organization, or any conduct of such character which is detrimental to the name of the Organization.
  - (c) False statement, misrepresentation or fraud, whether oral or written, pertaining to official matters.
  - (d) Any action calculated to impede the effective operation of the Organization.
  - (e) Serious violation of any applicable national law.
  - (f) Wilful acts that endanger lives or cause damage to property.
  - (g) Neglect or avoidance of just claim for debt or any comparable obligation.
  - (h) Insubordination, such as impertinence to a superior officer or refusal to obey instructions.
  - (i) Unwillingness to perform prescribed duties or unwillingness to perform them in a satisfactory manner.
  - (j) Conduct which renders the staff member unable to perform his/her duties properly, for example being intoxicated when on duty, or unauthorized absence from duty.
  - (k) Lack of neutrality, and comparable failure to conform with the requirements set forth in Article I "Duties, Obligations and Privileges" of the Staff Regulations, particularly [301.1.1](#), [.1.3](#), [.1.4](#), [.1.5](#), [.1.7](#), and [.1.9](#).



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## 330.2 DEFINITION OF DISCIPLINARY MEASURES

### 330.2.1 Written Censure

Written censure is the formal recording of a staff member's unsatisfactory conduct, the gravity of which does not justify the imposition of more drastic disciplinary measures (listed herebelow).

### 330.2.2 Suspension without Pay

.2.21 Imposition of suspension without pay as a disciplinary measure consists in removal of the staff member from pay status for a specified period. During the period all pay and allowances cease. The staff member is not permitted to continue his/her duties and is allowed entrance to FAO premises only for specific purposes when authorized by the Director, Human Resources Management Division, at Headquarters and other appropriate officers at places away from Headquarters.

.2.22 [deleted]

.2.23 If a staff member has received suspensions without pay totaling 30 days or more during his/her service with the Organization, he/she may be terminated in accordance with applicable provisions of Staff Rule [302.9](#) and of [Manual Section 314](#) - SEPARATION.

### 330.2.3 Demotion

.2.31 Disciplinary demotion is the removal of a staff member from the post he/she is currently holding to another post of a lower grade level.

.2.32 Upon disciplinary demotion, the staff member's salary is determined by the Director, Human Resources Management Division, in collaboration with the division director concerned (see [Manual Section 311 - CHANGE IN STATUS - para. 311.3.3](#)).

### 330.2.4 Dismissal for Misconduct

#### .2.41 Definition

Dismissal for misconduct is termination for unsatisfactory conduct as defined below:

- (a) Dismissal for misconduct is a termination for unsatisfactory conduct that has jeopardized, or would in the future be likely to jeopardize, the reputation of the Organization and its staff;



(b) Dismissal for miscount involving misrepresentation is a termination when it is found that a staff member has, prior or subsequent to appointment, deliberately misled the Organization through false statements, misrepresentation or fraud (including any false statement on, or misleading omission from, a Personal History Form, or a medical declaration form) which are of such a nature that, had the truth been known, there is a strong presumption that the candidate would not have been appointed or that the action contemplated by the Organization would not have been taken.

.2.42 Dismissal for misconduct does not affect the notice period provided for under Staff Rule [302.9.3](#).

.2.43 Dismissal for misconduct does not affect a staff member's entitlements to repatriation grant, payment of accrued annual leave, repatriation travel and removal of household goods at the Organization's expense or withdrawal benefits under the Regulations of the UN Joint Staff Pension Fund.

.2.44 Entitlement to termination indemnity is determined in accordance with Staff Regulation [301.15.4](#).

#### 330.2.5 Summary Dismissal for Serious Misconduct

.2.51 Imposition of this disciplinary measure consists in the termination of a staff member without benefit of notice period. The measure may be imposed only by the Director-General, or in the case of staff of the World Food Programme, the Executive Director of the World Food Programme. It is imposed when the misconduct of the staff member concerned is so serious that it has gravely jeopardized or is likely to gravely jeopardize the reputation of the Organization and its staff.

.2.52 The only terminal emolument payable to a staff member upon summary dismissal is that for accrued annual leave.

.2.53 If otherwise eligible, the staff member is entitled to repatriation travel and removal of household goods at the Organization's expense.

### 330.3 PROCEDURE

330.3.1 Informal Action (non-disciplinary). It is the responsibility of the supervisor concerned, when a disciplinary situation arises and in his/her view the gravity of the situation is not such as to require formal action, to discuss with the staff member the matter for which he/she is being criticized, primarily with the object of helping the staff member mend the situation, and secondarily to give due warning that failure to mend the situation will lead to formal disciplinary action.



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330.3.2 Formal Action

- .3.21 Formal initiation and imposition of disciplinary measures adhere to the following procedure.
- .3.22 The initiating officer addresses to the staff member concerned a confidential memorandum in duplicate describing the unsatisfactory conduct and stating the specific measure to be imposed. Both copies of the memorandum are signed by the initiating officer and sent to the Director, AFH, or the Director of Human Resources, WFP for WFP staff.
- .3.23 The Director, AFH, or the Director of Human Resources, WFP for WFP staff, reviews the offence cited and the measure recommended, in the light of the staff member's personnel record. If he/she feels that the matter should be investigated further, he/she consults with the initiating officer and, if necessary, with the staff member concerned.
- .3.24 If the Director, AFH, or the Director of Human Resources, WFP for WFP staff, concurs in the action recommended, he/she obtains the signature of the appropriate authorizing officer (see para. [330.1.4](#) above) where the initiating officer is not an authorizing officer. The memorandum is then delivered (by hand, if possible) to the staff member concerned, who signs and notes the date of receipt on the duplicate copy and returns it to the Director, AFH, or the Director of Human Resources, WFP for WFP staff, where it is retained in his/her personnel file.
- .3.25 The staff member is afforded five working days from the date of recorded receipt to submit a reply to the initiating officer.
- .3.26 If a reply is received, the initiating officer (or in the case of field staff, the official designated by the initiating officer) discusses it with the staff member and any other officer directly concerned (see [para. 330.1.4](#)). He/she then forwards it, together with comments to the Director, AFH, or the Director of Human Resources, WFP for WFP staff.
- .3.27 The Director, AFH or the Director of Human Resources, WFP for WFP staff, may discuss the matter further with the staff member and the initiating officer. He/she may then:
  - (a) recommend to the authorizing officer (see [para. 330.1.4](#)) final imposition of the measure; or
  - (b) annul the proposed action, with the concurrence of the initiating officer; or
  - (c) suspend action if he/she feels further investigation is warranted; or
  - (d) refer the case to the Director-General, or in the case of staff of the World Food Programme to the Executive Director of the World Food Programme, with his/her recommendations.
- .3.28 During the course of the above procedure, the staff member may be suspended from duty pending investigation, in accordance with Staff Rule [303.0.3](#).



- .3.29 The above procedure applies to all disciplinary measures, except summary dismissal for serious misconduct (see [para. 330.2.5](#)), the imposition of which is the sole prerogative of the Director-General, or in the case of staff of the World Food Programme, the Executive Director of the World Food Programme, after consultation with the Director, AFH, or the Director of Human Resources, WFP, for WFP staff.

### 330.4 INTERNAL INVESTIGATORY COMMITTEE

#### STAFF REGULATION

301.10.1 The Director-General may establish an administrative machinery with staff participation which will be available to advise him in disciplinary cases.

- 330.4.1 Purpose of the Committee. In accordance with Staff Regulation [301.10.1](#), the Director-General may establish on a provisional basis an Internal Investigatory Committee whose functions shall be of an advisory nature and which shall assist the Director-General, upon his request, in discharging his responsibilities in relation to cases brought to his notice and involving a staff member's conduct and activities. A similar Committee serving the same functions may be established by the Executive Director of the World Food Programme for cases involving staff of the World Food Programme.

#### 330.4.2 Terms of Reference

- .4.21 The Committee analyses all available information and, if desirable, carries out an administrative enquiry concerning such cases, especially in order to determine whether the Staff Regulations have been violated or whether there has been unsatisfactory conduct and, for this purpose, interviews the staff members concerned.
- .4.22 The Committee appraises the reliability of the source or sources of information and the evidence submitted.
- .4.23 The Committee reports its findings to the Director-General and suggests such action as it deems appropriate within the provisions of the Staff Regulations and the Staff Rules.

#### 330.4.3 Composition

- .4.31 The Internal Investigatory Committee consists of a Chairman, an Alternate Chairman, two members and two alternates selected from among the staff of the Organization.
- .4.32 The Chairman and an alternate Chairman are appointed by the Director-General.
- .4.33 One member and one alternate member are appointed by the Director-General.



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.4.34 One member and one alternate member are appointed by the Director-General upon nomination by the recognized staff representative bodies.

330.4.4 Rules of Procedure

.4.41 Participation. The proceedings of the Committee require the presence of the Chairman and two members or their respective alternates. The Chairman may disqualify or excuse any member or alternate from the consideration of a case if, in his or her opinion, such action is warranted.

.4.42 Appearance before the Committee. A staff member who is the subject of an investigation undertaken by the Committee at the request of the Director-General is given the opportunity to appear before the Committee to state his or her case, unless the Committee from the outset is unanimously of the opinion that no action is warranted. At his or her request, the staff member may be accompanied by another staff member of his or her choice, who may not participate in any way in the Committee's proceedings.

.4.43 Deliberations. The proceedings of the Committee are conducted in private. Secretarial assistance is provided by the Human Resources Management Division and legal advice is provided by the Office of the Legal Counsel at the Committee's request. All information submitted to the Committee and all matters discussed by the Committee are treated as strictly confidential.

.4.44 Report. The Committee, by a majority vote, adopts and submits a report to the Director-General in accordance with its terms of reference (see [para. 330.4.23](#)). This report constitutes the record of the proceedings.

### **330.5 FORMAL APPEAL AGAINST DISCIPLINARY ACTIONS**

330.5.1 FAO Appeals Committee. A staff member against whom a disciplinary measure has been imposed may lodge an appeal against such action in accordance with [Chapter XI](#) of the Staff Rules and [Manual Section 331](#) - APPEALS.

330.5.2 Effect upon Disciplinary Measures

.5.21 Appeal against a disciplinary measure does not prevent the measure from being carried out in accordance with the provisions prescribed in this Manual Section.

.5.22 If the Director-General decides on the basis of the Appeals Committee's Report that the measure should be modified or cancelled, the appropriate corrective action is taken by the Director, Human Resources Management Division.