

S-0036-0011-003-00069

Expanded Number **S-0036-0011-003-00069**

External ID

Title

**Item-in-KAA: Personnel OHRM 2000**

Date Created

Date Registered

Date Closed

11/14/2006 at 10:32 AM

11/14/2006

Primary Contact

Home Location **S-0036-0011-003 (In Container)**

Assignee **In Container 'S-0036-0011-003 (Monika Tkacova)' since 11/14/2006 at 2:47 F**

Priority

Local-container

Owner Location **Archives and Records Management Section**

Record Type **Archival Item**

Date Published

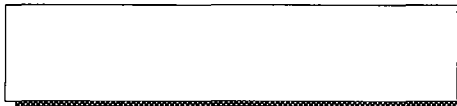
Document Details **Record has no document attached.**

Container **S-0036-0011: Personnel Matters - OHRM - Office of Human Resources Manageme**

Notes

Print Name of Person Submit Image

Signature of Person Submit

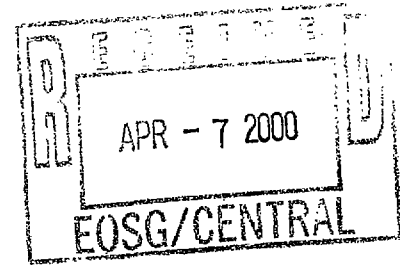




THE SECRETARY-GENERAL

USA  
OHRM

31 March 2000



Excellency,

I have the honour to refer to your note verbale dated 13 March 2000 forwarding a letter dated 6 March 2000 from the Assistant Secretary of State for International Organization Affairs, requesting summary information concerning the United Nations' policies and practices regarding compliance by our employees with court-ordered child and spouse support orders.

I wish to inform the Host Government that the policies of the United Nations Secretariat on this matter are reflected in the Secretary-General's Bulletin of 20 May 1999, as revised, entitled "Family and child support obligations of staff members" (ST/SGB/1999/4). A copy of the Bulletin is attached herewith for your ease of reference.

In my letter to Secretary of State Albright of 11 August 1998, I made reference to the then existing administrative arrangements regarding the "Financial and Other Obligations of Staff Members" (ST/AI/399), which had specific provisions regarding court-ordered child and spouse support orders. Although these provisions were in place, the Secretariat found that it had only marginal means of enforcing these provisions in cases where individual staff members failed to comply with their court-ordered obligations. I therefore decided that the United Nations must revise and strengthen its capacity to deal effectively with cases of non-payment of court-ordered family and child support.

His Excellency  
Mr. Richard Holbrooke  
Permanent Representative of the  
United States to the United Nations  
New York

The provisions of ST/AI/399 continue in force with respect to the provision for the release of salary information of staff members when requested by a national or local jurisdiction. We will continue to assist the courts with the provision of such information, with or without staff members' consent. The Secretary General's Bulletin now allows the Organization to make the decision to authorize payroll deductions from a staff member's emoluments, should he/she not meet their court-ordered obligations. In each case, the staff member is given 30 days to provide proof that he/she has completely met the financial obligations, which have been established by the courts. Failure to provide adequate proof is then grounds for the initiation of automatic payroll deductions.

Notification of the new policy received wide dissemination throughout the global Secretariat, with policy advice provided to the Heads of Administration at each of the United Nations' duty stations. In addition, staff were notified through a desk-to-desk circulation of the Bulletin and follow-up articles appeared in the staff newsletter "Secretariat News".

With reference to the United Nations Pension Fund, there has been no change in the rules of the Fund, which would allow for the involuntary distribution of funds to meet court-ordered child or family support payments.

As to whether specific occasion has arisen for use of the new policy, the United Nations Secretariat immediately enacted the provisions of the Bulletin with respect to several cases which were outstanding at the time of the issuance. In addition, there have been other cases, which have arisen since the implementation of the policy in May of 1999. The Secretariat will continue to review each new case, and where non-compliance with a court order is determined, the payroll deductions will be authorized.

The Organization is committed to ensuring that staff members comply with their child and spouse support obligations. The Office of Human Resources Management continues to be responsible for developing and implementing the policies and practices of the Organization in this matter. The Assistant Secretary-General for Human Resources Management, Ms. Rafiah Salim, is the contact person with the Host Government for this matter.

Please accept, Excellency, the assurances of my highest consideration.

  
Kofi A. Annan



20 May 1999

---

## Secretary-General's bulletin

### Family and child support obligations of staff members\*

The Secretary-General, for the purpose of implementing staff rule 101.2 (c) and pursuant to staff rule 103.18 (b) (iii), promulgates the following:

#### Section 1

##### Staff members' obligations

Staff rule 101.2 (c) provides, as one of the fundamental duties of all staff members, that they must comply with local laws and honour their private legal obligations, including the obligation to honour orders of competent courts. Such orders include orders against a staff member to make payments for the support of his or her spouse or former spouse and/or dependent children ("family support court orders").

#### Section 2

##### Procedures when staff members fail to comply with family support court orders

2.1 Under staff rule 103.18 (b) (iii), the Secretary-General may authorize deductions from staff members' salaries, wages and other emoluments for indebtedness to third parties. Family support court orders create indebtedness to third parties, such as the staff member's spouse, former spouse and/or dependent children.

2.2 To ensure effective relief when staff members fail to comply with family support court orders, the Organization will voluntarily take the following actions when it receives a family support court order against a staff member which is final and which is not being honoured by the staff member:

(a) The staff member will be requested to comply with the order immediately and to submit proof of compliance to the Organization within 30 calendar days from the date of receipt of the request from the Organization;

(b) If the staff member does not submit the proof of compliance within 30 days, the Organization will commence deductions from the staff member's United Nations emoluments in respect of the amounts ordered;

(c) The amounts deducted will then be paid to the spouse, former spouse or the dependent child(ren), in accordance with the order.

2.3 For the purpose of the present bulletin, a family support court order will be deemed final if the only action left in regard of that court order would be to have the order executed. If the staff member concerned contests the order, he or she must submit a new order of a competent court, setting aside or vacating the original order or staying the original order pending appeal, or proof that he or she has otherwise amicably resolved the matter with his or her spouse or former spouse. Until such evidence is submitted, the Organization will honour the original court order.

2.4 To facilitate the legal or judicial resolution of claims against staff members in spouse or child support cases, the Organization will continue to cooperate with the appropriate authorities and may provide, at their request, relevant information to persons or organizations outside the United Nations, when and in the manner it deems appropriate, even without the consent of the staff member. The staff member will be notified that the information has been provided and

---

\* Personnel Manual index No. 1036.



of the nature of the information, and will receive a copy of this information.

**Section 3**

**Implementation**

All requests for assistance in securing compliance with family support court orders and requests for information relating to family or child support are to be addressed to the Assistant Secretary-General for Human Resources Management for action. The Office of Legal Affairs will provide advice if the Organization is presented with conflicting family support court orders or if other legal issues arise.

**Section 4**

**Final provisions**

- 4.1 The present bulletin shall enter into force on 24 May 1999.
- 4.2 The provisions in paragraphs 8 and 9 of ST/AI/399 are hereby abolished.

*(Signed)* Kofi A. Annan  
Secretary-General

---



THE SECRETARY GENERAL

11 August 1998

Excellency,

I have the honour to refer to your letter of 8 July 1998 enclosing a diplomatic note which requests the Chiefs of International Organizations designated under the United States International Organizations Immunities Act (IOIA) to provide the United States Department of State with the most current information concerning their policies and practices with respect to court-ordered child and spouse support obligations of their staff members. In addition, each international organization is requested to inform the Department of State of the name and title of the person responsible for developing and implementing such policies and practices who could be further consulted as needed.

I wish to inform the Host Government that the current policies of the United Nations Secretariat on this matter are reflected in Administrative Instruction of 14 December 1994, entitled "Financial and Other Obligations of Staff Members" (ST/AI/399). A copy of the Instruction is attached herewith for your ease of reference. While this Instruction is applicable to the Secretariat, similar procedures as set out in the Instruction are being followed by the United Nations funds and programmes, such as UNDP and UNICEF. In addition, those funds and programmes are subject to the same Staff Regulations and Rules as the Secretariat.

Paragraphs 5 and 6 of the Administrative Instruction set out the procedures followed by the Organization when it is notified of a staff member's private legal obligations, including spouse and child support obligations, which have not been met. In such instances, the staff member is requested to take appropriate and effective action to settle the matter promptly, and to notify the Organization of the actions being taken (see para. 5 of ST/AI/399). Failure by the staff member to take prompt actions may lead to disciplinary actions in accordance with chapter 10 of the Staff Rules (see para. 6 of ST/AI/399).

Her Excellency  
Dr. Madeleine K. Albright  
Secretary of State of the United States of America  
Washington D.C.

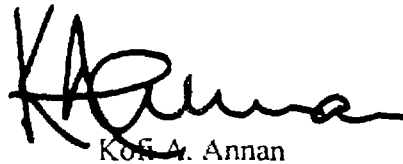
Paragraph 7 of the Instruction provides, *inter alia*, that failure to comply with legally established maintenance obligations violates the standards of conduct required of international civil servants and is inconsistent with the obligation of integrity and may, therefore, constitute serious misconduct warranting disciplinary action. In addition, paragraph 8 of the Instruction indicates that deductions may be authorized from the staff member's salaries of an amount equivalent to the dependency-related allowances and direct payment of this amount to the dependant in cases where non-support has been judicially established. Paragraph 10 provides that abuse of the privileges and immunities accorded to the Organization in order to avoid service of process of court orders relating to family support, if established, may result in disciplinary action. The Organization has successfully invoked these provisions, particularly paragraphs 6 and 7, to ensure compliance with final court orders relating to child and spouse support obligations of staff members, and will continue to do so as circumstances warrant.

I wish to inform the Host Government that a Working Group on court-ordered child and spouse obligations of staff members was established early this year at the initiative of the Office of Human Resources Management. The Working Group has been meeting in the past months to evaluate the current policies and practices of the Organization in this matter and to develop enhanced procedures in ensuring that court-ordered family support obligations are met by staff members.

With respect to staff members' benefits under the United Nations Joint Staff Pension Fund (UNJSPF) as they relate to family support obligations, Administrative Rule B.4 of the Administrative Rules of the UNJSPF was revised as of 1 August 1997 to allow the release of information concerning the UNJSPF benefits of staff members without their consent, in response to a court order or a request from a judicial or civil authority in the context of divorce or family maintenance obligations. The text of the revised Rule is attached herewith for your ease of reference. In addition, a recommendation has been made by the United Nations Joint Staff Pension Board for a revision in the Regulations of the UNJSPF concerning the benefit of a widow or widower of a participating staff member. The revision, if approved by the General Assembly, will enable a surviving former divorced spouse of a deceased staff member to share the pension benefit with the surviving legal spouse. The proposed revision will be submitted by the Pension Board to the General Assembly at its coming session.

The Organization is committed to ensuring that staff members comply with their private legal obligations, including their child and spouse support obligations. The Office of Human Resources Management is responsible for developing and implementing the policies and practices of the Organization in this matter. The Assistant Secretary-General for Human Resources, Ms. Rafiah Salim, has been designated as the contact person with the Host Government for this matter.

Accept, Excellency, the assurances of my highest consideration.



Kofi A. Annan





Secretariat

ST/AI/399  
14 December 1994

---

ADMINISTRATIVE INSTRUCTION

To: Members of the staff

From: The Assistant Secretary-General for Human Resources Management

Subject: FINANCIAL AND OTHER OBLIGATIONS OF STAFF MEMBERS\*

1. The purpose of the present instruction is to remind staff members of their obligation under staff regulations 1.1, 1.4 and 1.8 to regulate their conduct at all times in a manner befitting their status as international civil servants, and also to set out, in broad terms, the Organization's policies for responding to cases of personal indebtedness.

2. Staff members are expected, as a matter of proper conduct, to meet their legal and financial obligations without involving the United Nations. The standards of conduct of international civil servants (COORD/CIVIL SERVICE/5) require that staff members bear in mind that their conduct, whether connected or unconnected with official duties, must be such that it will not infringe upon any demonstrable interests of the Organization, bring it or their colleagues into discredit or offend the community in which they live. The honouring of private financial obligations and compliance with national laws are among the requirements that derive from this general principle, which is explicitly stated in staff regulation 1.8.

3. Staff members who are experiencing financial difficulties should consult the Staff Counsellor or a personnel officer about possible help from the Staff Emergency Fund or its equivalent outside Headquarters.

---

\* Personnel Manual index No. 1040.

The Organization's obligations in cases of private indebtedness

4. The privileges and immunities attached to the United Nations are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. As such, these privileges and immunities do not provide the staff members who enjoy them, nor the staff members who do not, with an excuse for the non-performance of their private obligations. Although in principle the United Nations does not intrude upon the private life of a staff member, when it is brought to the attention of the United Nations that a staff member has failed to satisfy his/her legal obligations and/or resolve all matters relating thereto, the Organization may, when it deems appropriate, take action against the staff member. Pursuant to section 20 of the Convention on the Privileges and Immunities of the United Nations, the Secretary-General has the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. Furthermore, pursuant to section 21 of the Convention, the United Nations has an obligation to cooperate at all times with the appropriate authorities of Member States to facilitate the proper administration of justice and to prevent the occurrence of any abuse in connection with the privileges and immunities of the Organization.

Personal debts to outside claimants

5. The United Nations, including its property and assets, is immune from legal process and from judgements of execution. United Nations salaries, therefore, are not subject to garnishment or attachment. However, staff members of the Organization have no personal immunity in respect of private acts and obligations, and the Organization's immunity is not intended to derogate from the rights of legitimate claimants. Claimants who communicate to the United Nations a legal obligation that has not been met are informed of the Organization's immunity and also of the policy of requiring staff members to meet their financial obligations. Staff members are provided with a copy of this correspondence relating to the legal obligation or judgement, together with a copy of the claim, levy or order and are requested, in writing, to initiate steps to settle the matter promptly and to advise their personnel officer of the action that has been taken.

6. If, within three months from the date of receipt by the staff member of the personnel officer's request, the Organization is not satisfied that appropriate and effective action has been taken by the staff member, all correspondence will be placed in the official status file and disciplinary action may be initiated in accordance with chapter 10 of the Staff Rules.

Child and spouse support payments

7. Private family matters are not in themselves the business of the Organization. However, staff members are expected, as a matter of proper conduct, to support their dependants and to comply fully with legally established maintenance obligations. Failure to honour legally binding and other family support obligations violates the standards of conduct required of international civil servants and is inconsistent with the obligation of

integrity. Staff members who are in receipt of United Nations allowances and benefits intended for the support of dependants, including dependency allowance and salary at the dependency rate, education grant and insurance subsidy, may be called upon at any time to provide evidence that these sums are being used for their declared purpose. Failure to honour support obligations, while at the same time receiving allowances and benefits premised on dependency, may constitute serious misconduct.

8. In cases where non-support has been judicially established, and the staff member either disclaims the obligation or indicates that he/she intends to appeal the judgement, the Secretary-General may decide to authorize, under the terms of staff rule 103.18 (b) (iii), deduction from the staff member's emoluments of an amount equivalent to the dependency-related allowances and direct payment of this amount to the dependant. Where there is an apparent conflict between jurisdictions, the Office of Legal Affairs will advise which court order will have precedence.

9. The Organization normally seeks the consent of a staff member before releasing information of a personal nature to persons or organizations outside the United Nations. In spouse and child support cases, however, the Organization will cooperate with the appropriate authorities, when and in the manner it deems appropriate, even without the consent of the staff member, in order to facilitate the proper legal or judicial resolution of the family's claims. The staff member will be notified that the information has been provided and the nature of the information.

10. Abuse of the privileges and immunities conferred upon the United Nations in order to avoid service of process, if established, may result in disciplinary action.

#### Deductions from final payments

11. Although the salaries of serving staff members are not subject to attachment under the Convention on the Privileges and Immunities of the United Nations, final payments on separation are not immune. Accordingly, deductions from final entitlements may be authorized to pay the staff member's legally established third party indebtedness, including to dependent, former or estranged spouses and entitled children in regard to repatriation travel and grant payments.

12. Where deductions from terminal payments are authorized under the terms of staff rule 103.18 (b) (iii), the order of precedence for payment, after deductions for indebtedness to the United Nations and the United Nations Federal Credit Union (or similar institution at other duty stations), will be: first, unpaid judicially established family obligations, including repatriation travel and grant payments; and second, all other legally established indebtedness to third parties. In the event (a) the staff member does not consent to such payments in writing or (b) any dispute or other conflicting claims are made in connection with this provision, including, but not limited to, issues of priority, then the United Nations shall have the right, in its discretion, to withhold payments commensurate with the amount in question until such dispute or conflicting claims have been resolved by written agreement between the

interested parties or the issuance of a final judgement by a court of competent jurisdiction.

Mission service

13. Staff members detailed to special missions should make suitable arrangements before departure for payment of ongoing obligations at the duty station. Absence on mission furnishes no excuse for non-payment of indebtedness. Because of the limited duration of special mission assignments and the Organization's responsibilities towards the host country, staff members are expected to settle all bills incurred at the mission area before departure. Evasion of responsibilities in this respect may result in ineligibility for future mission assignments, as well as in the application of any of the measures set out above, including those referred to in paragraph 6.

-----