

## OHR Frequently Asked Questions

### Implementation of Staff Rule 3.3 on Salary Policy

#### Determination of step upon promotion, recruitment, or movement to a different category

OHR/PG/2024/4/Rev.2 – 30 July 2024

#### Delegation of Authority

**1. What is the authority of the Head of entity in determining the step-in-grade?**

For implementation of Staff rule 3.3 (a), the Head of entity has delegated authority to grant a step higher than step I, which is the norm, up to the maximum allowable step as provided in paragraphs 22, 34 and 46 of these guidelines. For implementation of Staff rule 3.3 (b), the Head of entity has no authority to deviate from the application of the “two-step formula”.

**2. Upon initial appointment or reappointment or movement to a different category, can a step beyond step I be determined by the Head of Entity and/or onboarding entity (Service Centers, EOs, local HR offices) or is it required that candidates be offered step I as a first step?**

Staff Rule 3.3 (a) reads “*On appointment, a staff member shall normally be placed at the first step of the level of his or her post, unless otherwise decided by the Secretary-General*”. When the selected candidate possesses additional years of experience or educational qualifications over and above the requirements for step I, Service Centres, EOs or local HR offices may offer an appointment at a step higher than step I as per the tables provided in the policy guidelines on *Determination of step upon promotion, recruitment, or movement to a different category* (OHR/PG/2024/4/Rev.2 or as subsequently revised), up to the maximum step allowed.

**3. How are we going to ensure consistency when exercising discretionary authority in step determination upon initial appointment or reappointment?**

Staff rule 3.3 did not change the way the delegation of authority is to be exercised when determining steps. It is the same as established effective 1 January 2019 and operationally exercised until 31 December 2022. The only thing that has changed is the ceiling (i.e. maximum step allowable at each grade level) and the criteria (i.e. the number of years of relevant work experience) to award steps higher than one. These changes have been captured in the tables provided in the OHR/PG/2024/4/Rev.2 or as subsequently revised. The consistent use of the tables will ensure equal treatment in the implementation of staff rule 3.3 (a).

#### Offers made to external candidates:

**4. How should offers made to external candidates on or before 24 April 2024 be dealt with?**

Offers made on or before 23 April 2024 and complying with the expired guidelines (OHR/PG/2023/2) should be honoured. There is no need to change or withdraw the offer and recruitment may proceed.

**5. How should offers made to external candidates between 24 April 2024 and the publication of OHR/PG/2024/4/Rev.2 be dealt with?**

Offers issued to candidates on or after 24 April 2024, which followed the first set of 2024 guidelines (OHR/PG/2024/4) should be re-checked to ensure that the step complies with the present guidelines (OHR/PG/2024/4/Rev.2).

**6. The new guidelines will require changes to the Inspira offer management tool. When will these changes be available?**

Work is underway with the Inspira team to automate the current guidelines into the system. A communication will be issued once the date of implementation is known.

**7. A staff member had step VIII when employed under a temporary appointment prior to 24 April 2024. The staff member was selected through the staff selection system for a position at the same level after 24 April 2024 and the new guidelines will give the staff member a lower step than the one held under the temporary appointment. Can I honour the step under the old contract?**

Staff rule 4.18 on re-employment states that the terms of the new appointment are fully applicable without regard to any period of former service. Consequently, the new offer should comply with the new guidelines and may result in a lower step.

**8. An FTA-limited appointee (including JPO) has been selected through a JO for a position. The new guidelines will result in an appointment at the same level with a lower step. Are there any transitional measures for this situation?**

There is no need to separate a staff member who holds a fixed-term limited appointment when they are selected against a JO following a competitive recruitment process including CRB review. In this case, the limitation should be lifted by executing a Change of contract elements PA and then a reassignment, transfer, or promotion PA as applicable. This is not a situation of separation/reappointment, and the step-in-grade level of the staff member will remain unaffected in cases of reassignments or transfers.

**Special Post Allowance (SPA)**

**9. How are steps on SPA to be calculated after 24 April 2024?**

If the SPA is the result of a selection to a higher-level position within the same category, the step should be determined in accordance with staff rule 3.3 (b) by application of the two-step formula.

As per staff rule 3.10, the two-step rule should also be used in cases of SPA for exceptional temporary assignment of General Service staff and related categories (except NPOs) and staff at the FS-5 level and below to a Professional position for a period of less than one year.

**10. A staff member was given step VIII on SPA as a result of the application of the prior guidelines (OHR/PG/2023/3). The SPA is being extended after 24 April 2024. Should the step be recalculated in accordance with the new provisions?**

No recalculation should be made as this is an extension of the SPA (not the determination of a new SPA calculation).

**11. A staff member was given step VIII as a result of application of the 2023 guidelines (OHR/PG/2023/3). The staff member has now been selected to the position as a result of a selection through the staff selection system. Can I honour the step held at the SPA level or do I have to abide by the new guidelines (OHR/PG/2024/4/rev.2)?**

The step should be recalculated as per the new guidelines in accordance with staff rule 3.3 (b), that is, by strict application of the two-step formula as mandated by the General Assembly. Any seniority in grade held that did not result in a higher step while on SPA may be taken into consideration when calculating the next within-grade step increment at the higher level.

For example:

A staff member is awarded SPA at P4 Step VIII on 1 August 2023 under the provisions of the 2023 guidelines.

On 1 July 2024 the staff member is promoted to the P4 level and at that point it is determined that the step upon promotion should be P4 Step II under the provisions of staff rule 3.3 (b)

At the time of execution of the Promotion PA, the within-grade step increment date should be adjusted so that the months served at the higher level on SPA from 1 August 2023 through 30 June 2024 (11 months) are counted for the next WIGSI. Thus, the staff member would get the next step (P4 Step III) not on 1 July 2025, a year from the date of promotion, but on 1 August 2024, taking into account the period of time on SPA that did not result in a higher step at the time of the promotion calculation.

Operational considerations:

Umoja will not automatically calculate the WIGSI date as described above. When manually adjusting the WIGSI date in the PA to account for the time served on SPA, it is crucial to include clear and detailed comments explaining the calculation.

These comments should:

1. Reference the new guidelines and staff rule 3.3 (b)
2. Detail how the SPA period was considered in adjusting the WIGSI date
4. Provide the specific dates and calculations used

For example:

“WIGSI date adjusted as per OHR/PG/2024/4/Rev.2 guidelines and staff rule 3.3 (b). Two-step formula applied. 11 months on SPA (1 Aug 2023 - 30 Jun 2024) considered for next WIGSI. New WIGSI date: 1 Aug 2024.”

**12. A candidate was selected for a temporary assignment at a higher level on 1 March 2024 (prior to 24 April) but will not receive the SPA until three months later. Can I apply OHR/PG/2023/3 to calculate the SPA?**

The calculation of the SPA should follow the guidelines in effect as of the effective date of the SPA PA, not the effective date of the temporary assignment at the higher level. Therefore, in this example, OHR/PG/2023/3 cannot be used to calculate the SPA.

**13. A staff member was granted SPA under the 2023 guidelines and, as a result of the application of the more favourable rules at the time, was given P3 Step IX. The staff member is subsequently promoted to the P3 level after 24 April 2024 and as a result of the application of the two-step rule ends up with a much lower step (step IV). Is this the correct application of the guidance?**

This is correct. The more favourable conditions of staff rule 3.3 under the provisional staff rules of ST/SGB/2023/1/Rev.1 could result in more generous SPA pay. However, for the selection against a JO after 24 April 2024 we are now bound by the more restrictive language of staff rule 3.3 (b) and therefore the step determination has to be calculated using the "two-step formula". Note that SPA is a financial compensation for the temporary assumption of higher-level functions, but it is only upon "promotion" that the steps are determined at the higher level. These are two different calculations at two different times, bound by the rules in effect at the time they are computed and thus, there should be no expectation that the two should match.

**14. Can PTA be used to cover the difference in salary when the SPA calculation (for G or FS-5 to P for instance) yields a lower salary than the one held at the GS or FS level? If not, what could we do so that at least the staff member continues to get the salary at his personal level and is not losing money while performing the P functions?**

In accordance with staff rule 3.10 (d), the formula for calculation of the SPA is to give the equivalence to the salary increase that the staff member would have received had the staff member been promoted to the next higher level. Staff rule 3.10 (c) further states (emphasis added):

*(c) In the case of a staff member holding a fixed-term or continuing appointment who is assigned to serve in a mission, or when a staff member in the General Service category is required to serve in a higher-level post in the Professional category, or when a staff member in any category holding a fixed-term or continuing appointment is required to serve in a post which is classified more than one level above the staff member's level, the allowance may be paid immediately when the staff member assumes the higher duties and responsibilities.*

The staff rule therefore allows for a shortening of the 3-month period and the payment of SPA from day one of the assumption of higher-level functions when the staff member at the GS level performs at the P level. Even in cases in which the staff member assumes functions of a post classified more than one level above his or her level, the SPA is only calculated as if there had been a promotion to the next level, in accordance with staff rule 3.3 (b), not to the actual level of the position.

There is no legal basis therefore for the payment of any allowance to bridge any potential loss in salary when the staff member is temporarily assuming higher-level functions and requests SPA. A new form P.269 A, posted in iSeek, should be used for the calculation of the SPA from G and related categories to P and the revised P.269 B form should be used for the calculation of SPA for FS-5 or below who are performing P functions temporarily,

There may be some instances in which SPA from GS to P or FS to P may not result in a payment to the staff member and the pay received at the category of the staff member may be higher than the SPA calculation. Staff rule 3.10 indicates that staff members are expected to assume temporarily without extra compensation the duties and responsibilities of higher-level posts. The SPA is an allowance that needs to be claimed by the staff member or the supervisor. Should the staff member opt to accept an assignment at the P level and decide that he or she does not want to receive the SPA payment because that calculation would result in a lower salary than

what the staff member receives at the other category, the staff member may opt not to claim the SPA.

**Selections to higher-level positions within the same category (i.e., “Promotions”)**

**15. What happens to staff members who were selected for a higher-level position within the same category between 24 April and 30 April 2024? How will their step be calculated?**

Staff members selected for a higher-level position within the same category between 24 and 30 April 2024 will have their step calculated using the two-step formula as per OHR/PG/2024/4/Rev.2.

**GS category:**

**16. Staff members in the GS category can be considered for NPO positions. Can any experience at any GS or related level be considered for NPO positions?**

Only work experience obtained in the General Service and related categories in the UN common system at the GS-6, GS-7, FS-4 to 7, S-5 to 7, and TC-6 to 8 levels, National Professional Officer or Language Teacher category may be considered as relevant work experience for NPOs. Please refer to footnote 4 in page 12 of the policy guidelines.

**17. If a GS-5 staff member is selected for an FS position, what staff rule applies, 3.3 (a) or 3.3 (b)? Is there any difference if the selection is through a JO or is a temporary assignment (TJO selection)?**

If a GS staff member is selected for an FS position through a JO, the staff member changes category. A new offer needs to be made to the staff member with new conditions of employment. As this is a new appointment, the determination of step is done as if it were a new recruitment, hence staff rule 3.3 (a) applies. You would process a change of category PA. Refer to paragraphs 36-40 of the guidelines.

If the GS is temporarily selected for an FS position through a TJO, an offer should also be made to the staff member indicating the new conditions of employment. The staff member will be assuming a new grade temporarily for the duration of the assignment and a new appointment, albeit on a temporary basis, is issued, therefore staff rule 3.3 (a) also applies. The movement would however be processed as a temporary grade. Refer to paragraph 40 of the guidelines.

**Movements to a lower-level position:**

**18. Staff members who are reappointed may get a lower step than what they had in prior appointments. Is this a demotion?**

Demotion is a disciplinary measure that can be imposed in accordance with staff rule 10.2 as a result of misconduct.

Offers made upon reappointment with a different step determination are the result of interaction of both staff rule 4.18 (b) on reemployment, which indicates that the terms of a new appointment are fully applicable without regard to any period of former service and that this prior service will not be considered as continuous between the prior and new appointments, and staff rule 3.3 on salary policy.

As the step of the previous appointment cannot be carried over to the new appointment (staff rule 4.18) and there has been a policy change in staff rule 3.3, the new appointment may indeed result in lower steps than what was offered previously, but this is not a demotion. Rather, this is the result of the application of the rules applicable at the time of the new appointment.

**19. Following the closure of an entity and the application of the downsizing policy, if a downsized FS-5 staff member is reassigned to a position at a lower level, FS-4, outside the entity, how is the step determined?**

In accordance with section 5.25 of ST/AI/2023/1, *“Downsized staff members who are selected for a position in the same category at a lower level than their original level at the downsizing entity shall be placed, to the extent possible, at the step of the lower level that provides a net salary that is at least equal to the net salary received at their original level. When that is not possible, the step of the lower level for which the net salary is the closest to the net salary received at their original level will be assigned.”*

The same provision applies if the candidate is reassigned at a lower level within the downsizing entity (section 5.3 (d) of ST/AI/2023/1 refers).

**Example:**

		S T E P S <sup>11</sup>												
Level		I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII
FS-7	Gross	96,549	98,886	101,326	103,849	106,379	108,910	111,446	113,971	116,507	119,036	121,569	124,103	126,640
	NET	76,877	78,653	80,428	82,194	83,965	85,737	87,512	89,280	91,055	92,825	94,598	96,372	98,148
FS-6	Gross	80,293	82,437	84,583	86,725	88,864	91,009	93,153	95,308	97,445	99,588	101,884	104,210	106,534
	NET	64,523	66,152	67,783	69,411	71,037	72,667	74,296	75,934	77,558	79,187	80,819	82,447	84,074

An FS-7- Step III staff member is downsized and is selected for a position at the FS-6 level. As per the above salary scale, the salary at the FS7 step III level falls between FS-6 step X and XI. The staff member will be assigned step XI.

**20. How do we determine the step in cases of demotion?**

Demotion with deferment of eligibility for consideration for promotion and loss of one or more steps in grade are two of the possible disciplinary measures that result from misconduct in accordance with staff rule 10.2.

These disciplinary measures can only be imposed following an investigation of the allegations of misconduct. Therefore, at the time of the imposition of the disciplinary measures, you will be informed of the step that will be given to the staff member. If not, use the tier support system to request advice from DOS/HRSD as Tier 2.

**21. How do we determine the step for a staff member who is selected for a position at a lower level than the one he occupied (for example, a P5 who applied and was selected to a P4 position)?**

In line with past practice, when a staff member is selected for a position at a lower level than the one, he or she occupied, the step assigned at the lower level will be the one that provides a net salary that is equal to or lower than the net salary received at the higher level.

In accordance with staff rule 3.2 (c) any period of service since the last step increment at the higher level will be credited towards the next step increment at the lower level provided the staff member has had satisfactory service.

### **Loss in salary upon promotion**

**22. A promotion would normally entail an increase in the salary, however, with the 2-step formula, the staff member may get a promotion, but this promotion may result in a loss of a net salary. For example, a P3 step 6 in NY promoted to P4 step 1 in Lebanon. Is it possible to preserve the salary with the move?**

Salaries at the P and FS levels comprise a base salary and post adjustment. Staff rule 3.3 (b) indicates that the step upon promotion should provide an increase in net salary equal to at least two steps at the lower level. In the example above, with the current salary scales, the base salary at those levels is as follows:

P3 step VI. Gross salary: \$90,008; net salary \$71, 906

P4 step I: Gross salary: \$97,139; net salary: \$77, 326

Therefore, the staff member is getting a salary increase. However, since the P and FS salaries have a post adjustment to ensure equity in purchasing power across duty stations, the addition of the post adjustment may result in a lower take-home net pay.

The current post adjustment multiplier for Lebanon is 38.3 and in New York is 88.4. As a result, the addition of the post adjustment element to the net salary will result in a net pay amount upon promotion to Lebanon which is lower than what was received at the lower level in New York. However, note that the net salary is higher and so is the pensionable remuneration.

This is the expected outcome of the UN common system salary structure, as the post adjustment reflects the lower cost of living adjustment that would be experienced by the staff member in Lebanon vis-à-vis New York.

Note that this difference in net pay may also occur when a staff member moves laterally to another duty station. The net take-home pay will differ because of the different post adjustment in the new location. This is how the net pay is structured and it is thus not possible to preserve the original net pay upon movement to a new duty station with a different post adjustment.

### **Retirees:**

#### **23. What are the caps for determining steps when hiring retirees?**

Former staff members in receipt of pension benefits will have their step capped based on two policy provisions:

- a) Step cannot be higher than the one they held before separation upon retirement in accordance with the provisions of ST/AI/2003/8 on *Retention in service beyond the mandatory age of separation and employment of retirees*; and

b) Step cannot be higher than the maximum allowable for their respective category as provided in the policy guidelines on *Determination of step upon promotion, recruitment, or movement to a different category.*

**Counting relevant work experience:**

**24. I have to determine the steps to be given upon appointment at the P3 level for a candidate who only has a Bachelor's degree. Can I follow the table in paragraph 21 of the 12 June 2024 policy guidelines to determine the steps or do I have to make any adjustments?**

Yes, we will answer this with an example. For appointment at the P3, step 2 level, the candidate with the MA degree would need between 10 and 13 years of professional work experience, as indicated in the table. However, a candidate with the BA degree would need between 12 and 15 years of professional work experience to be awarded step 2 at the P3 level.

**Reappointment-reassignment:**

**25. A staff member separated from the Organization at P3 Step XI. This candidate has now been selected for another position at the P3 level. How do I determine the step of the new appointment?**

The step determination in those situations should abide by the Staff Rule 4.18 (emphasis added) on:

*"Re-employment*

*(a) A former staff member who is re-employed under conditions established by the Secretary-General shall be given a new appointment unless he or she is reinstated under staff rule 4.18.*

*(b) The terms of the new appointment shall be fully applicable without regard to any period of former service. When a staff member is re-employed under the present rule, the service shall not be considered as continuous between the prior and new appointments.*

In order to determine the step, you need to apply staff rule 3.3 (a) and follow the OHR/PG/2024/4/Rev.2 or as amended. In accordance with the table in paragraph 22, the maximum allowable step upon appointment or reappointment at the P3 level is step V and the number of years of experience required for steps higher than I are captured in the table in paragraph 21.

**26. If an NOA is selected for a P position through a JO, what staff rule applies, 3.3 (a) or (b)? Is there any difference if the selection were for a temporary assignment through a TJO?**

When an NO-A is selected for a P position through a JO, the staff member changes category. A new offer needs to be made to the staff member with new conditions of employment. As this is a new appointment, the determination of step is done as if it were a new recruitment, hence staff rule 3.3 (a) applies. You would process a change of category PA. Refer to paragraphs 36-40 of the guidelines.

If the NO-A is temporarily selected for a P position through a TJO, an offer should also be made to the staff member indicating the new conditions of employment. The staff member will be assuming a new grade for the duration of the assignment and a new appointment, albeit on a temporary basis, is issued therefore staff rule 3.3 (a) also applies. The movement would be processed as a temporary grade. Refer to paragraph 40 of the guidelines.



**27. How do I determine the step for a staff member at the FS6 level, step 11 who is selected for a TJO at the P3 level?**

The selection should be processed as a temporary grade and step should be determined as a change of category under Staff Rule 3.3 (a), i.e., the staff member should not get a step higher than V. The step would vary subject to the number of years of relevant experience of the selected candidate and be determined by application of the table in paragraph 22 of the policy guidelines.

**28. There are strong concerns raised within our entities given the lower steps to be granted under the new guidelines to former staff who were previously granted a much higher step under the previous guidelines and the provisional staff rule 3.3. Why can we not honour the previous step?**

Upon reappointment former staff members (whether it is movement from TA to FTA or FTA to FTA with or without a break) might get lower step or lower remuneration for two reasons:

(a) In accordance with the General Assembly resolution 78/725, the Secretary-General had to withdraw the amendments to the provisional staff rule 3.3 and to abolish the prior set of policy guidelines effective from 1 January 2023 to 24 April 2024. Further, a revised new policy guidelines on step determination had to be published to aim for equity in pay and equitable treatment of all candidates, whether internal or external;

(b) Staff Rule 4.18 sets the conditions for new appointments. Unless the staff member is reinstated under staff rule 4.17, any new appointment cannot take into consideration any other period of prior service.

(c) Staff regulation 12.5 indicates that staff rules cannot give rise to acquired rights while they are provisional.

Therefore, it is not possible to honour their previous step.

**Miscellaneous:**

**29. Should the step determination of a G to P candidate be done differently depending on whether the recruitment for a position for one year or more is for a geographical post (through competitive examination) or not (extrabudgetary P2s for recruitment outside competitive examinations)?**

The General Assembly clearly established that a movement from G to P is a change of category that results in a recruitment, and it is not promotion.

Therefore, the determination of step should be done in accordance with staff rule 3.3 (a) as per the table contained in the 12 June 2024 policy guidelines (see paragraph 21). Note, however, that the number of years of experience required for steps above I differ depending on whether the selected candidate is recruited through a competitive examination (YPP) or not.