



**Southeast Asian Ministers
Of Education Organization**

SEAMES

STAFF RULES AND STAFF REGULATIONS

*Amended, the SEAMEO Council through referendum
during non-SEAMEC year
February 2012*

Enactment and Amendments to the SEAMES Staff Rules and Staff Regulations

Enactment by the Council at the 4th SEAMEC Conference in January 1969

First Amendments at the 8th SEAMEC Conference in January 1973

Revisions and additions of several Rules and Regulations (Please refer to MC-8/WP/7 for details.)

Addition of the following staff benefits:

- Rule 105.3 Sick Leave
- Rule 105.4 Maternity Leave
- Rule 105.5 Home Leave
- Rule 107.7 Death Gratuity
- Rule 107.8 Separation Pay in lieu of Provident Fund for staff members of the General Service Category.

Second Amendment at the 12th SEAMEC Conference in March 1977

- Rule 107.8 Amendment concerning Separation Pay in lieu of Provident Fund

Third Amendments at the 14th SEAMEC Conference in January 1979

- Rule 100.2 Amendment by the SEAMES Director's memorandum dated 20 October 1981 concerning the definition of pay, in conformity the annulment of Post Adjustment Allowance.
- Rule 102.1 Amendment concerning Post Classification
- Rule 103.3 Annulment of Post Adjustment Allowance
- Rule 104.8 Amendment concerning promotion by the SEAMES Director's memorandum dated 3 July 1981 in conformity with the Council In-Camera Resolution at the 14th Conference in January 1979.

- Rule 107.8 Introduction of Guidelines Governing the Provident Fund Scheme for the General Service Staff of SEAMES

Fourth Amendments at the 26th SEAMEC Conference in February 1991

- Rule 103.7 Amendment concerning Installation Grant
- Rule 103.10 Addition concerning Medical Care
- Rule 106.9 Amendment concerning Transportation of Personal Effects
- Rule 106.10 Amendment concerning Insurance
- Rule 107.9 Addition on Separation Gratuity

Fifth Amendments at the 29th SEAMEC Conference in February 1994

- Rule 102.1 Revision of Grades/Levels in the General Service Category
- Rule 103.7 Amendment on the payment of Installation Grant to dependent
- Rule 103.9 Revision of Salary Loan
- Rule 103.10 Amendment concerning medical care to dependent
- Rule 105.1 Amendment concerning the calculation of accumulated annual leave and insertion of continuous annual leave
- Rule 105.4 Amendment concerning Maternity Leave
- Rule 106.5 Revision of rates of reimbursement for travel by car
- Rule 107.9 Amendment concerning Separation Gratuity

Sixth Amendments at the 31st SEAMEC Conference in January 1996

- Rule 103.6 Amendment on the compensation to the General Service staff for work done overtime
- Regulation 4.7 Addition on the term of appointment of General Service staff

- Rule 104.8 Amendment on the promotion of the General Service staff to the higher grade level within the same category
- Rule 105.1 Amendment on the cut-off date for the computation of accrued annual leave
- Rule 105.2 Addition on special leave with pay
- Rule 105.3 Addition on the definition of non-certified sick leave
- Rule 106.1 Amendment on travel entitlements of staff members on Separation
- Rule 107.9 Amendment on the computation of separation gratuity due to the Professional staff on separation

Seventh Amendment at the 36th SEAMEO Council Conference in February 2001

- Rule 102.1 Amendment on the post classification of staff to reflect the revised organizational structure and position classification system

Eighth Amendments at the 37th SEAMEO Council Conference in March 2002

- Rule 102.1 Amendment on the grade level of the Director's position
- Rule 103.7 Revision of conditions for the provision of Installation Grant
- Rule 103.9 Deletion of the term "Assistant Director (Finance)" as the post has been relinquished
- Rule 104.6 Amendment on the composition of the Personnel Advisory Committee
- Rule 109.4 Amendment on the title of the Administrative Officer to Administration Manager
- Rule 109.5 Amendment on the title of the Administrative Officer to Administration Manager

Ninth Amendment at the 39th SEAMEO Council Conference in March 2004

- Regulation 4.6 Addition on the term of appointment of Professional Service Staff

Tenth Amendment approved by the SEAMEO Council through referendum in February 2012 during non-SEAMEC year

Regulation 4.1,(b) Amendment on the term of appointment of the SEAMES Director to reflect the resolution of the 46th SEAMEO Council Conference in January 2011

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**THE SOUTHEAST ASIAN MINISTERS OF EDUCATION SECRETARIAT
STAFF REGULATIONS AND STAFF RULES**

PREAMBLE

*The purpose of the Organization is to promote cooperation among the Southeast Asian nations through education, science and culture in order to further respect for justice, for the rule of law, for human rights and fundamental freedoms which are the birthrights of the peoples of the world. (Par. I of **Purpose and Functions, Article I of the SEAMEO Charter.**)* It is essential that all members of the Secretariat understand and sympathize with SEAMEO's aims which demand joint efforts of everyone in the Secretariat.

Scope and Purpose

- (1) The Staff Regulations and Staff Rules embody the fundamental conditions of service and the basic rights, duties and obligations of members of the Southeast Asian Ministers of Education Secretariat (SEAMES). These Staff Regulations and Staff Rules represent principles of personnel policy for staffing and administration of SEAMES.
- (2) In order to provide for the recruitment and administration of the staff of SEAMES, the following staff regulations and staff rules shall be enforced upon the approval of the Southeast Asian Ministers of Education Council (SEAMEC). The SEAMES Director, as the Chief Administrative Officer, shall enforce these regulations and rules and lay down directives consistent therewith.

Rule 100.1 : Applicability

The Staff Regulations and Staff Rules are applicable to members of the Secretariat.

Rule 100.2 : Definitions

In the Staff Regulations and Staff Rules, unless the context otherwise indicates:

- (a) Organization refers to the Southeast Asian Ministers of Education Organization (SEAMEO);
- (b) Council refers to the Southeast Asian Ministers of Education Council (SEAMEC);
- (c) Secretariat refers to the Southeast Asian Ministers of Education Secretariat (SEAMES);

- (d) SEAMES Director refers to the Director of the Secretariat;
- (e) Staff member means a person engaged by the SEAMES Director other than a consultant, holder of a fee contract, a person engaged specifically for a conference or meeting or a casual labourer; references in the Staff Regulations and Staff Rules to staff member apply equally to men and women except when it is clear from the context that they are intended to apply only to men or only to women;
- (f) Members of the Secretariat means the SEAMES Director and all staff members;
- (g) Dependent means spouse and children who are unmarried and under the age of 18 years or, if in full time attendance at an educational institution, under the age of 21;
- (h) Duty Station means the location of the Secretariat;
- * (i) Pay means annual salary;
- (j) One month's pay means 1/12 of pay;
- (k) One week's pay means 1/52 of pay;
- (l) One day's pay means 1/30 of monthly pay;
- (m) One hour's pay means 1/7 of one day's pay.

* Amended by the SEAMES Director's Memorandum dated 20 October 1981, in conformity to the Council's In-Camera Resolution at its 14th Conference in January 1979 with effect from 1 July 1979.

CHAPTER I
DUTIES, OBLIGATIONS AND PRIVILEGES

Regulation 1.1 :

In accordance with Article 5, paragraph 6 of the SEAMEO Charter, the responsibilities of all members of the Secretariat are exclusively international in character. By accepting appointment in SEAMES, they undertake to discharge their functions and to regulate their conduct with the interests of the Organization only in view.

Regulation 1.2 :

Staff members are subject to the authority of the SEAMES Director and to assignment by him, with due regard to their qualifications and experience. They are responsible to him in the exercise of their functions.

Rule 101.1: Financial Responsibility

Any staff member, who, by malice or culpable negligence, or by failure to observe any regulation, rule or administrative procedure of the Organization, involves the Organization in unnecessary liability, expense or loss, shall be held responsible, and may be required to pay compensation therefore.

Regulation 1.2.1 :

The whole time of staff members shall be at the disposal of the SEAMES Director. The SEAMES Director shall establish a normal working week.

Rule 101.2 : Hours of Work

- (a) The normal working hours of the week from Monday to Friday inclusive shall be as follows:
 - (i) All staff members except those provided in paragraph (ii) shall normally work from 8.30 to 16.30 hours with one hour for lunch.
 - (ii) The working hours of drivers and janitors shall be determined by the SEAMES Director.
- (b) The SEAMES Director may change the working hours of the staff members as he considers necessary.

Rule 101.3 : Official Holidays

- (a) At headquarters, all Thai Government official holidays shall be observed. If any such day occurs on a Saturday or Sunday, the preceding Friday shall be considered an official holiday in lieu of Saturday and the following Monday in lieu of Sunday.
- (b) At the beginning of each calendar year, the dates of these official holidays will be communicated by the SEAMES Director to the staff members in an office circular.

Regulation 1.3 :

In the performance of their duties, members of the Secretariat shall neither seek nor accept instructions from any government or from any authority external to the Organization.

Regulation 1.4 :

Members of the Secretariat shall conduct themselves at all times in a manner befitting their status as international civil servants. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Organization. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments, or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

Rule 101.4 : Outside Activities and Interests

- (a) Staff members shall not engage in any regular outside occupation without prior approval in writing from the SEAMES Director, and shall not hold any office incompatible with the proper discharge of their duties as staff members.
- (b) Any staff member who has occasion to deal in his official capacity with any matter involving a company, partnership, or other business concern in which he has an interest shall disclose the nature and measure of that interest to the SEAMES Director.

Regulation 1.5 :

Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person unpublished information known to them by reason of their official position, except in the course of their duties or by authorization of the SEAMES Director. These obligations remain binding after separation from the Organization.

Rule 101.5 : Public Information Relations

- (a) The prior approval in writing of the SEAMES Director must be obtained by a staff member whenever he proposes to publish any book or article, make a statement to the press, or give a lecture, broadcast or speech concerning the Organization or any other intergovernmental organization.
- (b) This prior approval in writing must also be requested whenever, in connection with a book, article, lecture, statement to the press, broadcast or speech, a staff member's name is to be associated with the Organization.
- (c) Nevertheless, the provisions of (a) and (b) above shall not apply to staff members away from Headquarters in circumstances in which it is impracticable to seek the written approval of the SEAMES Director. A Staff member assigned to a Regional Centre shall, however, obtain the prior approval of the Director of the Centre.

Regulation 1.6 :

Except as hereinafter provided, no member of the Secretariat shall, during the period of his appointment, accept any honour, decoration, favour, gift or remuneration from any government or from any other source external to the Organization. The SEAMES Director may authorize such acceptance in respect of services rendered before appointment or for war service. He may authorize the acceptance of honours and prizes from educational, scientific or cultural organizations and the acceptance of remuneration for work done by a member of the Secretariat in his spare time provided that such work is not incompatible with his status as an international civil servant.

Rule 101.6 : Honours and Favours

Any staff member who is approached by a university or by any other body, whether local, national or international, with a view to his accepting an honour or prize, shall inform the SEAMES Director and obtain his authorization in writing before accepting.

Rule 101.7 : Acceptance of Remuneration

Members of the Secretariat shall not accept any gratuity or favour from any commercial firm or individual doing or seeking business with the Organization.

Rule 101.8 : Property Right in Work Performed

All rights, including title, copyright and patent rights, in any work produced by a staff member as part of his official duties, shall be vested in the Organization.

Regulation 1.7 :

Staff member may exercise the right to vote but shall not engage in any political activity which is inconsistent with or reflects upon the independence and impartiality required by their status as international civil servants.

Regulation 1.8 :

The immunities and privileges accorded to members of the Secretariat by virtue of Article 8 of the SEAMEO Charter are conferred in the interests of the Organization. These privileges and immunities shall not be invoked to excuse the staff members who enjoy them from discharging private obligations or from observing laws and police regulations. 1 / In any case where these privileges and immunities are invoked, the staff member concerned shall immediately report to the SEAMES Director who shall decide whether they shall be waived.

Regulation 1.9 :

On accepting appointment, each staff member shall subscribe to the following declaration

"I solemnly undertake to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the Southeast Asian Ministers of Education Organization, to discharge these functions and regulate my conduct with the interests of the Organization only in view, and not to seek or accept instructions in regard to the performance of my duties from any government or from any authority external to the Organization. "

Rule 101.9 : Collaboration with a Government or an Institution

The declaration to which staff members subscribe under Regulation 1.9 shall not preclude their close collaboration with a government or an institution in pursuance of the SEAMES Director's instructions.

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- 1/ Privileges and immunities granted to staff members by the host government are specified in Article 8-12 of the Headquarters Agreement signed between the Royal Thai Government and the Organization dated 9 October 1970.

CHAPTER II
CLASSIFICATION OF POSTS AND STAFF

Regulation 2.1 :

The SEAMES Director shall make provisions for the classification of posts and staff according to the nature of the duties and responsibilities required, in accordance with the decisions of the Council.

*** Rule 102.1: Post Classification**

- (a) Posts in the Secretariat shall be classified into three categories and eighteen grades/levels as follows:
- (i) The Director Category
D-1, Director, SEAMEO Secretariat
 - (ii) The Professional Category comprises the following levels:
P-4, P-3, P-2 and P-1
 - (iii) The General Service Category comprises the following levels:
G-7a, G-7b, G-6a, G-6b, G-5a, G-5b,
G-4a, G-4b, G-3a, G-3b, G-2a, G-2b and G-1
- (b) The SEAMES Director may, for special purposes and subject to the availability of funds, establish posts on a temporary basis not to exceed six months at annual salaries falling within those allotted to the categories and grades/levels mentioned in (a) above, without assigning grades/levels to such posts; a post so established shall be known as unclassified post and shall be communicated to the Council on the following session of the Conference.

* *Amended by the Council at the 37th SEAMEO Council Conference, In-Camera Session, on 12 March 2002.*

CHAPTER III
SALARIES AND ALLOWANCES

Regulation 3.1 :

The salaries of staff members both in the Professional and General Service categories shall be fixed by the SEAMES Director in accordance with the decisions of the Council.

Regulation 3.2 :

The SEAMES Director shall establish and apply a system of allowances and grants in accordance with the decisions of the Council.

Rule 103.1 : Annual Salary Scales

The annual salaries of staff members shall be those already adopted by the Council. The details shall be prescribed in a separate SEAMES Manual.

Rule 103.2 : Salary on Initial Appointment

A staff member on initial appointment shall be placed in the step of the grade/level of his post as already approved by the Council.

Regulation 3.3 :

The appointment of a staff member in the General Service category will be subject to probationary period of three to six months.

*** Rule 103.3 : Post Adjustment Allowance**

* *Rule 103.3 on Post Adjustment Allowance was repealed with effect from 1 July 1979 by the Council's In-Camera Resolution at its 14th SEAMEO Council Conference in January 1979.*

Rule 103.4 : Non-Resident's Allowance

- (a) Subject to the provisions of (b) below, a staff member in the General Service category whose recognized home is in a country other than that of the duty station shall be entitled to a Non- Resident's Allowance.
- (b) The Non-Resident's Allowance shall not be paid, or shall cease to be paid, to a staff member:
 - (i) who acquires the nationality of the country of the duty station;
 - (ii) whose husband is a national of the country of the duty station or acquires such nationality;
 - (iii) whose spouse is a staff member in the Professional category and above.
- (c) The annual rate of Non-Resident's Allowance for a staff member holding a fixed-term appointment shall be Baht 15,000 if he has a dependent spouse or child, or Baht 10,000 if he has no such dependents.

Rule 103.5 : Salary Increments

Salary increments equal to one step within the grades/levels set forth in Rule 103.1 shall be granted, subject to satisfactory performance, on the first day of the month following completion of twelve months of service and annually thereafter.

Rule 103.6 : Overtime

- (a) Staff members may be required by the SEAMES Director or their supervisors, when exigencies of the service so demand, to work in excess of normal working hours.
- (b) Overtime shall be deemed to be any time worked in excess of normal working hours as stipulated in Rule 101.2.
- (c) Only in exceptional circumstances shall staff members be required to work on official holidays.
- (d) Staff members in the Professional category who are required to work overtime shall not be entitled to overtime pay. However, should the exigencies of the service permit, and subject to approval of the SEAMES Director, such staff members may be granted occasional time off if they have been required to work substantial or recurrent periods of overtime.

- (e) Staff members in the General Service category who are required to work overtime shall be entitled to overtime pay at the rate of one-and-a-half times the period of overtime worked. He may, at the discretion of the Director, be given time off in lieu of overtime worked. However, any single period of overtime of less than half an hour shall be disregarded.
- (f) Normally the number of hours of overtime of staff member in the General Service category shall not exceed 80 hours per month. Under exceptional circumstances, the SEAMES Director may approve overtime work in excess of that limit.
- (g) Work performed on an official holiday shall be treated as overtime. Nevertheless, if the SEAMES Director sets another working day to be observed as holiday instead, time worked on the official holiday shall not be treated as overtime except such time as may be worked in excess of a normal working day.

***Rule 103.7 : Installation Grant**

- (a) A staff member of the Professional category and above whose recognized home is in a city other than that of the duty station and who has to reside in the city of the duty station after appointment shall be entitled to an Installation Grant for his installation and that of his dependents at the duty station to which he is appointed for not less than one year unless he has actually resided at such duty station for twelve months or more immediately prior to appointment.
- (b) The Installation Grant shall be equivalent to
 - (i) Thirty days of daily subsistence allowance under the conditions indicated in (c) below for the staff member and a maximum of three dependents who join him at the duty station for a minimum period of six months;
 - (ii) Fifteen days of daily subsistence allowance for the staff member with no dependents or whose dependents do not join him at the duty station.
- (c) The amounts payable in respect of staff members shall be calculated in accordance with the conditions and rates established by the SEAMES Director and approved by the Council and the amount payable in respect of each eligible dependent shall be calculated on the basis of half the daily rate applicable to the staff member concerned.
- (d) The grant shall be payable in the currency of the duty station and shall represent the total compensation payable by the Organization for the initial extraordinary cost incurred by a staff member in respect of himself and his dependents who join him at the duty station within six months after the appointment date.

 * *As amended by the Council at the 37th SEAMEO Council Conference, In-Camera Session, on 12 March 2002.*

- (e) If a staff member to whom an Installation Grant is paid under paragraph (a) above is separated from the Organization upon his own initiative before completion of at least one year's service at the duty station for which the grant is paid, the SEAMES Director may require him to reimburse all or part of the grant.
- (f) The SEAMES Director may request the staff member to whom the Installation Grant is paid for his dependents under paragraph (b) (i) above to return all or part of the Installation Grant if the dependents stay at the duty station less than six months.

Rule 103.8 : Method of Payment

- (a) Salaries and emolument due to staff members by the Organization shall be paid monthly except in the case of Installation Grant.
- (b) Deductions from salaries and emoluments shall be made for indebtedness to the Organization.
- (c) Where conversion from one currency into another is required in order to determine the amount of any payment due by or to the Organization, the conversion shall be made at the accounting rate of exchange adopted by the Organization and in force on the day of payment.

Rule 103.9 : Salary Loan

- (a) A loan equivalent to one month salary may be made to a staff member with the authorization of the SEAMES Director on recommendation of the Deputy Director.
- (b) No loan shall exceed \$ 200 for each unexpired month of the staff member's appointment, subject to an overall maximum equivalent to the staff member's one-month salary.
- (c) Request for a loan shall be considered in the light of any loan previously granted to the applicant, the extent of his indebtedness to the Organization and other relevant factors.
- (d) Recovery of a loan shall be effected over a period not exceeding twelve months. If the staff member concerned is to be separated from the Organization, all outstanding loan shall be recovered in full before actual separation.

Rule 103.10 : Medical Care

- (a) The members of the Secretariat shall be provided medical care which include medical treatment and hospitalization through a health insurance scheme whereby the premium is paid for by the Organization.
- (b) The Organization shall pay half of the insurance premium for the spouse of a staff member under the same health insurance agreement as the staff member.
- (c) The terms of the health insurance agreement for the staff member and his dependent shall be determined by the SEAMES Director.
- (d) The SEAMES Director may change, when necessary, the medical benefit for the staff and his dependent, subject to the limitation of fund set aside for the purpose.

CHAPTER IV

APPOINTMENT AND PROMOTION

Regulation 4.1 :

- (a) *As stated in Article IV, paragraph 3 and Article V, paragraph 3 of the Charter of the Organization, the SEAMES Director shall be appointed by the Council under such terms and conditions as the Council may approve.*
- (b) *The SEAMES Director shall be appointed for a term of four years, non-renewable.*
- (c) *The SEAMES Director shall be the Chief Administrative Officer and the Legal Representative of the Organization.*

Regulation 4.2 :

As stated in Article V, paragraph 4 of the Charter of the Organization, staff members are appointed by the SEAMES Director. When an applicant is appointed, terms of appointment are notified to him in writing by the SEAMES Director or his authorized representative; such notification and his acceptance in writing shall constitute his contract of employment. The terms of appointment may include provisions for a period of probation and for the period of notice of separation required and shall specify the title and character of the post to which he is appointed.

Regulation 4.3 :

In appointing and promoting staff members and in renewing appointments, the SEAMES Director shall aim at the highest standard of integrity, efficiency and technical competence. Subject to this consideration, appointment to the staff shall be on as wide a geographical basis as possible.

Regulation 4.4 :

Selection and recruitment of staff members shall be made on a competitive basis, as far as practicable without distinction as to nationality, sex or religion.

Regulation 4.5 :

Subject to the provisions of Regulations 4.3 and 4.4, and without prejudice to the recruitment, at all levels, of fresh talent, qualified staff members and former staff members shall be given priority of consideration for vacant posts.

Rule 104.1 : Limitations on Employment

- (a) Only when another person equally well qualified cannot be recruited, an appointment may be granted to:
 - (i) A candidate who is not a citizen of a Member State.
 - (ii) A candidate who is the husband, wife, father, mother, son, daughter, brother or sister of a staff member.
- (b) A candidate for a post in the Professional category shall be required to possess at least a university degree or equivalent experience and to show that he has a good working knowledge of English.
- (c) Posts in the General Service category shall normally be filled by the appointment of persons whose recognized home is in or is deemed to be in the host country of the Secretariat. Nevertheless, if no such suitably qualified person can be found, persons who are nationals of the Member Countries whose recognized home is other than the host country of the Secretariat may be appointed. Such persons shall be entitled to Non-Resident's Allowance but shall not :
 - (i) be eligible for other allowances, funds or benefits that are accorded specifically to staff members whose recognized home is located outside the country of their duty station;
 - (ii) receive payment or reimbursement from the Organization for the transportation of personal effects or for travel expenses in respect of himself or any of his recognized dependents in connection with appointments, home leave or separation.

Rule 104.2 : Terms of Appointment

- (a) A candidate selected for appointment as a staff member of the Secretariat shall receive a Letter of Appointment signed by the SEAMES Director or his authorized representative specifying the terms and conditions of his appointment.
- (b) There shall be annexed to the Letter of Appointment a copy of the Staff Regulations and Staff Rules as well as copy of the Declaration of Office (Regulation 1.9).

- (c) In accepting an appointment, the candidate shall declare in writing that he has taken cognizance of the Staff Regulations and Staff Rules and that he accepts their conditions.
- (d) The Letter of Appointment with its annexes and the Letter of Acceptance with the Declaration of Office, duly signed, shall constitute his contract of employment.

Rule 104.3 : Effective Date of Appointment

The appointment of a staff member shall take effect from the date on which he starts authorized travel to assume his duties or if no such travel is involved, from the date on which he assumes his duties.

Regulation 4.6 :

Staff members in the Professional category shall be appointed for a term of three years and may be eligible for reappointment.

The employment terms of professional staff of the Secretariat shall be limited to two consecutive terms and on exceptional cases, can be extended for one more term if proven to have excellent performance by the Director of the SEAMEO Secretariat.

Regulation 4.7 :

Staff members in the General Service category may be appointed on a probationary period of three to six months. Upon satisfactory completion of their probationary appointment, they may be given a definite appointment for a term of one to three years, renewable upon the recommendation of their immediate supervisor and the Personnel Advisory Committee (Rule 104.6) and approved by the SEAMES Director.

Rule 104.4 : Medical Examinations

- (a) All appointments shall be subject to certification either by a medical institution or a registered medical practitioner designated by SEAMES that the candidate is free from any defect or disease likely to interfere with the proper discharge of his duties.
- (b) Every staff member is required to undergo an annual medical examination at the expense of the Organization at a time designated by the SEAMES Director.
- (c) The SEAMES Director shall establish medical standards for candidates for appointment and for staff members.

Rule 104.5 : Record of Service

Document relating to a staff member's service with the Organization shall be kept in an individual file to which the staff member may have access.

*** Rule 104.6 : Personnel Advisory Committee**

- (a) There shall be a Personnel Advisory Committee which shall advise the SEAMES Director, as provided hereunder, in the light of the Staff Regulations and Staff Rules and such further instructions as he may prescribe.
- (b) The SEAMES Director may not be bound to follow the advice of the Personnel Advisory Committee and may take such action, consistent with the Staff Regulations and Staff Rules, as he considers necessary or desirable in any particular case.
- (c) The Personnel Advisory Committee shall advise the SEAMES Director on
 - (i) All appointments, promotion and proposal for renewal of appointments in the Professional and General Service categories; suspension, conversion or termination of appointment including summary dismissal for serious misconduct;
 - (ii) Such other cases as the SEAMES Director may request.
- (d) The Personnel Advisory Committee shall be presided over by the Deputy Director (Administration and Communication) or in his absence, by a senior staff member to be designated by the SEAMES Director. The members of the Committee shall consist of one senior Professional staff and one senior General Service staff and the Administration Manager as Ex-officio member.
- (e) In circumstances where the case of a member of the Personnel Advisory Committee is under consideration, the said member shall be disqualified from participating in the Committee's deliberations. In case of disqualification, a substitute may be designated by the SEAMES Director.

Rule 104.7 : Reports on Staff Members

- (a) Upon the completion of the probationary period of three to six months of each General Service staff member, his immediate supervisor shall make a report on his performance on the basis of which the SEAMES Director shall decide whether to retain him or not.
- (b) An annual report on staff member's performance shall be made by the immediate supervisor and submitted to the SEAMES Director.

* As amended by the Council at the 37th SEAMEO Council Conference, In-Camera Session, on 12 March 2002.

- (c) Where an unfavourable report has been made, a staff member shall be given the opportunity of discussing with the SEAMES Director on the report made on him under (b) above.
- (d) If a staff member wishes, for record purposes only, to comment on a report concerning him, without contesting any statement made therein, he shall address his written observations to the Deputy Director through his immediate supervisor within reasonable time after signing the report. After examination by the SEAMES Director, the staff member's observations shall be placed in his personal file together with the report to which they refer.

Rule 104.8 : Promotion

Promotion shall be the advancement of a staff member to a higher grade/ level within the same category. Promotion from grade/level to the next higher grade/level shall be made only after the staff member has reached the maximum grade/level subject to satisfactory performances of his duties. The step of the next grade/level shall be the next higher salary to the last drawn salary.

A General Service staff member who has the necessary qualifications required by a vacant post can be considered for appointment to the post in a higher grade/level within the same category should there be appropriate vacancy of post occur. Upon promotion, he shall be placed at the grade/level to which he is promoted and at the salary step next higher to the last drawn salary.

Rule 104.9: Reemployment

A former staff member whose performance has been most satisfactory may be given due consideration to be reemployed should an appropriate vacancy occur. For such reappointment the following shall be applied, namely:

- (i) If reemployed at the same grade/level, the staff member shall be assigned at the step which he had reached upon separation.
- (ii) If reemployed at a higher grade/level, the step which he shall be given shall be the one that is close to the last drawn salary.

CHAPTER V

LEAVE

Regulation 5.1 :

Staff members shall be granted annual leave and sick leave as provided under Rules 105.1 and 105.3.

Regulation 5.2 :

Special leave may be authorized by the SEAMES Director in exceptional cases.

Regulation 5.3 :

Staff members who are eligible for home leave as provided under Rule 105.5 shall be granted Home Leave.

Regulation 5.4 :

Married female staff members shall be given maternity leave as provided under Rule 105.4.

Rule 105.1 : Annual Leave

- (a) Annual leave shall be granted to staff members for rest and recreation at the rate of 2-1/2 working days for each calendar month of service (or fraction thereof pro rata) in full pay status.
- (b) Annual leave may be taken in units of days or half-days and only in accordance with the leave schedule authorized by the SEAMES Director in the light of anticipated requirements of the service. However, if the exigencies of the service allow, leave may be authorized on dates other than those indicated on the approved leave schedule.
- (c) Staff members are entitled and expected to take leave in the calendar year in which it is earned.
- (d) Subject to such other instructions as the SEAMES Director may prescribe, annual leave may be accumulated up to a maximum of 60 days provided that not more than 15 days of leave earned during the preceding 12 months shall be carried forward beyond *May 31* of any year. Leave credits in excess of these maxima on that date shall be forfeited. Staff members may, in certain cases, be authorized by the SEAMES Director to carry forward more than 15 days of annual leave beyond *May 31* provided that the

days thus carried forward are to be used in connection with a home leave, however, under no circumstances will cash compensation be paid for such days carried forward but not used.

- (e) Continuous annual leave may be granted by the SEAMES Director up to 15 working days at one time.

Only in case of separation or under exceptional circumstances that the staff member may be granted a permission by the SEAMES Director to take the continuous annual leave up to a limit of 30 working days.

During the period of annual leave prior to separation, the staff member may be recalled by the SEAMES Director if the exigencies of the service require. In such an event, the staff member will be compensated at a daily rate for the number of days that he is recalled, the total of which shall not exceed one month salary.

Under exceptional circumstances, the SEAMES Director may approve the payment of compensation beyond that limit.

- (f) A staff member may, at the discretion of the SEAMES Director, be granted advance annual leave up to a maximum of 10 working days.
- (g) A staff member may be recalled by the SEAMES Director from his annual leave if the exigencies of the service require. In such an event the travel expenses involved in returning to duty station shall be borne by the Organization.

Rule 105.2 : Special Leave

- (a) Special leave without pay up to a maximum of six months may be granted by the SEAMES Director to staff members, upon request, to allow them to pursue advanced studies or research in the interests of the Organization, or to face exceptional situations. During such period, annual leave credit shall not be acquired by staff members.
- (b) Before being placed on special leave without pay, a staff member may be required to exhaust his accrued annual leave.
- (c) Special leave with pay up to a maximum of seven (7) working days per year may be granted by the SEAMES Director to staff members, upon request, to allow them to face exceptional situations such as death of the family members, natural disaster etc.
- (d) Periods of special leave shall not affect entitlement to sick leave, maternity leave, salary increment, and other service benefits.

Rule 105.3 : Sick Leave

- (a) A staff member who is medically unfit for work may be granted sick leave in accordance with the following provisions:
 - (i) Request for sick leave shall be subject to the approval of the SEAMES Director on the basis of competent medical advice. Application for sick leave not supported by a medical certificate is considered non-certified sick leave.
 - (ii) Staff members shall be entitled to paid sick leave for a period of 30 calendar days per year and the period of such sick leave shall be computed on the basis of his contract of employment.
 - (iii) A staff member on probationary appointment or whose appointment is less than one year shall be entitled to sick leave at the rate of one and one half working days per month of actual service to the Organization.
- (b) Notwithstanding paragraph (a) above, a staff member who has exhausted his sick leave on full pay may take accrued annual leave.
- (c) If any further sick leave is necessary when the staff member has exhausted his entitlement in (a) and (b) above, he shall be entitled to special leave without pay.
- (d) A staff member who is absent from duty because of lack of physical fitness for more than three consecutive working days shall, not later than the fourth day of absence, obtain from his physician and submit to the SEAMES Director a medical certificate indicating lack of physical fitness and specifying the probable duration of his absence from duty.
- (e) A staff member who becomes aware of any infectious disease or quarantine order affecting his household shall immediately notify the SEAMES Director: if he is directed not to report for duty, he shall receive full salary and emoluments and may be required to continue assuming such duties as can be performed away from his office.
- (f) A staff member who has taken periods of non-certified sick leave totaling seven working days within a year commencing 1 January shall, if he takes further sick leave within that year which is not supported by a medical certificate, have such leave deducted from annual leave or counted as leave without pay.
- (g) A staff member who is granted sick leave due to lack of physical fitness for more than 15 days shall be required to present a certificate of physical fitness upon resumption of duty.

- (h) If the SEAMES Director is not satisfied that sick leave is or was justified, such leave may be refused. The SEAMES Director may, in addition, cause the investigation of any claim for such leave which, in his opinion, is open to doubt, and make appropriate checks during any period of approved sick leave. Unsatisfactory reason for sick leave or non-certification of sick leave shall constitute valid reason for denial of sick leave and subsequent recall of the staff member concerned.
- (i) Frequent sick leave and repeated non-certified sick leave may be considered as valid reason to terminate the services of the staff member concerned.
- (j) Entitlement to sick leave shall lapse on the effective date of separation from service.

Rule 105.4: Maternity Leave

- (a) A married female staff member who has served the Organization continuously for twelve months shall be entitled to sixty calendar days of maternity leave with pay. Any additional leave taken will be deducted from the accrued annual leave.
- (b) If any further maternity leave is necessary when the staff member has exhausted her entitlement in (a) above, she shall be entitled to special leave without pay up to thirty calendar days.
- (c) A married female staff member with less than one year of continuous service to the Organization at the anticipated time of confinement may, upon request, be extended the benefits of paragraph (a) above on condition that she will be placed on without-pay basis.

Rule 105.5: Home Leave

- (a)
 - (i) A staff member in the Professional category or above whose recognized home is in a country other than the host country shall be entitled, upon re-appointment after completion of his three-year term of office, to home leave for the purpose of spending there substantial period of accrued annual leave at the expense of the Organization, under the terms and conditions as prescribed in Rule 106.3.
 - (ii) Normally, a staff member's recognized home means the place of his permanent residence which he indicates at the time of his recruitment.
 - (iii) The SEAMES Director may interpret recognized home as a third country. However, the total cost of travel authorized on home leave shall not exceed that which normally should be paid for travel to the original recognized home of the staff member concerned.

- (b) Home leave shall fall due in the first year after the staff member's re-appointment. Home leave may be taken, subject to the exigencies of the service, at any time during the calendar year in which it falls due. If not so taken, it shall be forfeited unless otherwise decided by the SEAMES Director.
- (c) A staff member may be required to take his home leave in conjunction with travel on official business. However, due regard shall be paid to the interests of the staff member and his family.
- (d) Travel shall be in accordance with the provisions of Chapter VI of the Staff Regulations and Staff Rules.

Rule 105.6 : Unauthorized Absence

- (a) Unauthorized absence shall render a staff member liable to disciplinary action.
- (b) Such absence for a period of fifteen calendar days or more shall be considered as an abandonment of post and the staff member's service with the Organization shall be deemed to have ceased on the first day of his absence.

CHAPTER VI
TRAVEL AND TRANSPORTATION

Regulation 6.1 :

Subject to conditions and limitations laid down by the SEAMES Director, the Organization shall pay travel expenses of staff members and their dependents.

Rule 106.1 : Travel Entitlements of Staff Members

- (a) The Organization shall, subject to such further instructions as the SEAMES Director may prescribe, pay the travel expenses of a staff member:
 - (i) On appointment, from his recognized home or from the place of recruitment to the duty station;
 - (ii) In connection with official business of the Organization;
 - (iii) On home leave;
 - (iv) On or within twelve months following separation in respect of travel effected from the duty station to the staff member's recognized home or to some other place to which the cost of travel does not exceed the cost of travel to his recognized home.
- (b) Notwithstanding (a) (iv) above, upon separation by resignation or summary dismissal, the Organization may, at the discretion of the SEAMES Director, pay the travel expenses of the staff member to the place of recruitment only.
- (c) If the staff member is separated from service due to abandonment of post or resignation before completing one year of service or within six months of his return from home leave, the Organization may decline to pay any travel or removal expenses consequent upon separation.

Rule 106.2 : Travel Entitlements of Dependents

The Organization shall, subject to such further instructions as the SEAMES Director may prescribe, pay the travel expenses of the dependents of a staff member, the total of which shall not exceed four adult fares.

- (i) To the staff member's duty station on or subsequent to his appointment or after not less than one year of continuous service following appointment, provided that such travel is effected at least six months before the expiry of the staff member's appointment. Travel expenses from the staff member's recognized home, or place of recruitment to the duty station may be paid.
- (ii) When accompanying the staff member on home leave, provided that they resided continuously in the area of the duty station for not less than six months prior to such leave.
- (iii) On or within the twelve months following the separation or death of the staff member, or within such further period as the SEAMES Director may allow, provided that travel expenses where payable in terms of (i) above, in respect of travel effected from the duty station to the staff member's recognized home or to some other place, provided the cost of travel of dependents, subject to provisions of Rule 106.2, does not exceed the cost of travel from the duty station to the staff member's recognized home.

Rule 106.3: Travel Authority

Travel at the expense of the Organization shall be subject to the prior approval of the SEAMES Director.

Rule 106.4 : Route and Mode of Travel

- (a) All travel at the expenses of the Organization shall be by the route, mode of transportation and class prescribed by the SEAMES Director.
- (b) The most direct and economical route and mode of transportation shall be prescribed unless it is established to the satisfaction of the SEAMES Director that the use of an alternative route and/or mode of transportation is in the best interests of the Organization.
- (c) The mode of transportation normally prescribed under (b) above shall be by air.
- (d) Travel by surface means may be authorized, upon request:
 - (i) If the SEAMES Director is satisfied that travel by surface means, including travel on initial appointment, is in the interests of the Organization;
 - (ii) If it is certified by a medical practitioner accepted by the SEAMES Director that the staff member concerned is medically unfit for travel by air;
 - (iii) For reasons of personal convenience, if the exigencies of the service permit, provided that the traveller shall pay for the difference, if any, between the cost of the fare by surface means and that by air.

Rule 106.5 : Travel by Car

- (a) Travel by private car may be authorized, at the request of the staff member, subject to such conditions as the SEAMES Director may prescribe and provided that the staff member holds valid automobile insurance against damage or loss involving the car and the persons or property of third parties including passengers.
- (b) When travel by private car is authorized in the interests of the Organization, the rate of reimbursement shall be the actual cost of gasoline and related expenses i.e. express way fee and toll fee for travel effected on the authorized route.
- (c) When travel by private car is authorized for reasons of personal convenience, the rate of reimbursement shall be 75 per cent of the actual cost of gasoline and related expenses i.e. express way fee and toll fee but the total shall not exceed the cost of the journey by the most direct and economical route and mode of transportation.

Rule 106.6 : Travel Time

- (a) Travel time shall be the time required for a journey by the route, mode of transportation and class prescribed by the SEAMES Director.
- (b) The basic standard for computing travel time shall be that required for air travel, except that:
 - (i) When travel by surface means is prescribed under Rule 106.4 (b), or authorized under Rule 106.4 (d) (i), travel time shall be that required for the journey by fast direct carrier;
 - (ii) When travel by surface means is authorized for the personal convenience of the staff member under Rule 106.4 (d) (iii) or Rule 106.5, any time required for a journey in excess of that required by air shall be counted as annual leave.
 - (iii) When travel by private car is authorized in the interests of the Organization under Rule 106.5 (b), travel time shall be computed on the basis of 500 kilometres per day by the authorized route.

Rule 106.7 : Daily Subsistence Allowance

Daily subsistence allowance shall be payable, in accordance with the schedule and rates established by the Council and such further conditions as the SEAMES Director may prescribe in the SEAMES Manual during periods of :

- (a) travel time authorized under Rule 106.6.
- (b) official business away from the duty station.

Rule 106.8 : Travel Expenses

- (a) Travel expenses payable by the Organization shall include:
 - (i) The cost of tickets for travel by the route, mode of transportation and class authorized by the SEAMES Director;
 - (ii) Daily subsistence allowance in accordance with the conditions, schedules and rates established by the SEAMES Director in accordance with Rule 106.7;
 - (iii) Passport and other similar fees necessitated by official travel;
 - (iv) Such additional expenses incidental of official travel as may be approved by the SEAMES Director.
- (b) Reimbursement of travel expenses incurred by the traveller himself shall be limited to allowable expenses for authorized travel by the route, mode of transportation and class prescribed; expenditures in excess of those authorized, or for travel or travel time devoted to the traveller's personal interest, will be borne by the traveller himself.
- (c) If a staff member reduces the class of accommodation provided by the Organization, or fails to exercise any entitlement in respect to travel, the saving in cost shall neither accrue to him nor be used to pay for the travel of a person not authorized to travel at the expense of the Organization.
- (d) When on a mission, should an emergency arise involving hospitalization (including surgery). such costs involved, if within reasonable limit, shall be reimbursed by the Organization upon production of relevant bills/receipts.

Regulation 6.2 :

Subject to conditions and limitations laid down by the SEAMES Director, the Organization shall pay the cost of removal of the effects of staff members.

Rule 106.9 : Transportation of Personal Effects

- (a) The Organization shall, to the extent and subject to conditions set out in the present Rule, pay the cost of transporting the personal effects of a staff member to the duty station. Such transportation costs shall be payable, upon appointment, from the staff member's recognized home or place of recruitment to the duty station and, upon separation, from the duty station to the staff member's recognized home or to some other place provided the cost is not higher.

- (b) The quantity of personal effects to be transported at the expense of the Organization shall not exceed the following:
- (i) By land and/or sea, or by air if that mode of transportation is more economical:
- 600 kg. in gross weight or 4.00 cubic metres in volume in respect of the staff member;
- 600 kg. of gross weight or 4.00 cubic metres in volume in respect of a spouse travelling at the expense of the Organization;
- 200 kg. in gross weight or 1.00 cubic metre in volume in respect of each child travelling at the expense of the Organization;
- provided that the total quantity shall not exceed 2,400 kg. in gross weight or 16 cubic metres in volume, and
- (ii) If the staff member travels by air, an excess baggage of not more than 40 kg.: this maximum may be increased at the discretion of the SEAMES Director when warranted by special circumstances.
- (c) In the case of a staff member entitled to transportation under (a) and (b) above, he may, at his request for personal convenience, be authorized to have his personal effects transported by air freight instead of by land and/or sea. In that event the maximum quantity allowable shall be one sixth of the maximum weight entitlements set out in (b) (i) above.
- (d) A staff member appointed for a period of less than two years but not less than six months, shall be entitled to reimbursement of the cost of transporting personal effects to the duty station from his recognized home or place of recruitment, and from the duty station to his recognized home upon separation, up to a maximum of either :
- (i) 300 kg. in gross weight or 1.80 cubic metres in volume, transported by land and/or sea.
- (ii) 40 kg. transported by air freight.
- (e) Where the cost of transportation of personal effects is payable by the Organization, the reasonable cost of packing, crating, unpacking and uncrating shall also be payable. Storage charges shall not be allowed except in so far as they are incidental to transportation.

Rule 106.10 : Insurance

The premium for insurance of accompanied baggage or baggage transported in accordance with Rule 106.9 on appointment and separation shall be reimbursed by the Organization for a maximum insured value of US\$ 4,000 for the staff member and \$ 2,000 for each member of his family who is authorized to travel at the expense of the Organization up to a total of \$ 12,000.

Rule 106.11: Effect of Resignation

If a staff member resigns before completing one year of service or within six months of his return from home leave or family visit, the Organization may decline to pay any travel or removal expenses consequent upon separation as provided in the Staff Regulations and Staff Rules.

Rule 106.12 : Transportation of Decedents

Following the death of a staff member or a person in respect of whom expenses were payable under Rule 106.2, the Organization shall pay for the transportation of the remains from the place of death to the staff member's recognized home or some other place to which the cost of transportation does not exceed the cost of his recognized home. These expenses shall include reasonable costs for the preparation of the remains.

CHAPTER VII
SEPARATION FROM SERVICE

Regulation 7.1 :

The SEAMES Director may terminate the appointment of a staff member in accordance with the terms and conditions of the latter's contract of employment, or if either the necessities of the service require abolition of the post or reduction of the staff or if the services of the individual cease to be satisfactory, or if he is, for reasons of health, incapacitated for further service.

Regulation 7.2 :

The SEAMES Director may also terminate the appointment of a staff member, giving his reasons therefore:

- (a) If the conduct of the staff member indicates that he does not meet the highest standards required by Article V of the Charter and by Chapter 1 of the Staff Regulations and Staff Rules.*
- (b) If facts anterior to the appointment of the staff member and relevant to his suitability and which reflect on his present integrity come to light, which, if they had been known at the time of his appointment, should, under the standards established in the Charter and in the Staff Regulations and Staff Rules, have precluded his appointment.*

No termination under the provisions of this Regulation shall take effect until the matter has been considered and reported on by the Personnel Advisory Committee. The Committee's reports and opinions accompanied by a statement of the reasons therefore shall be communicated to the staff member concerned and to his Government.

Regulation 7.3 :

A staff member may resign from the Secretariat upon giving the SEAMES Director the notice required under the terms of his contract.

Regulation 7.4 :

When the SEAMES Director terminates an appointment under Regulations 7.1 and 7.2, the staff member concerned shall be given notice in accordance with the terms of his contract and shall be entitled to any payments due him and without prejudice to his acquired rights.

Regulation 7.5 :

A staff member shall not be retained in the service of the Organization beyond the age of 60.

Rule 107.1 : Separation from Service

Grounds for separation from service are as follows:

- (i) Resignation
- (ii) Expiration of appointment
- (iii) Termination
- (iv) Retirement
- (v) Abandonment of post
- (vi) Summary dismissal
- (vii) Death

Rule 107.2 : Resignation

- (a) A staff member may resign from the Secretariat upon giving the SEAMES Director advance notice in writing as follows:
 - (i) Three months' notice, if he is a staff member in the Professional category;
 - (ii) One month's notice, if he is a staff member in the General Service category with a fixed-term appointment and has completed the probationary period;
 - (iii) No advance notice is required, if he is a staff member in the General Service category during his probationary period.
- (b) In lieu of the requisite period of notice a month salary and allowances of the staff members concerned shall have to be paid by him to the Organization on resignation.

Rule 107.3 : Expiration of Appointment

- (a) A fixed-term appointment shall expire automatically and without notice or indemnity on the expiration date specified in the Letter of Appointment.
- (b) Separation as the result of the expiration of appointment shall not be deemed to be termination within the meaning of the Staff Regulations and Staff Rules.

Rule 107.4 : Termination

A termination within the meaning of the Staff Regulations and Staff Rules is a separation initiated by the SEAMES Director other than retirement, summary dismissal, or expiration of appointment.

Rule 107.5 : Retirement

Retirement shall be interpreted as provided under Staff Regulation 7.5.

Rule 107.6 : Notice of Termination

- (a) A staff member whose appointment is terminated under Regulation 7.1 or 7.2 shall, subject to the provisions of paragraph (c) below, be entitled to notice as follows:
 - (i) Three months' notice, if he is staff member with a fixed-term appointment;
 - (ii) One month notice, if he holds a probationary appointment.
- (b) A staff member who is summarily dismissed under Regulation 8.2 shall not be entitled to notice.
- (c) Any notice of termination given that is shorter than the requisite period of notice shall be compensated for by payment of salary and allowances for that period which is short.

Rule 107.7 : Death Gratuity

- (a) In the event of the death of a staff member on a fixed-term appointment, his spouse or recognized heir shall receive a gratuity based upon completed years and months of service in accordance with the following schedule:

<u>YEARS OF SERVICE</u>	<u>GRATUITY IN MONTHS OF PAY</u>
3 or less	3
more than 3 up to 5	4
more than 5 up to 7	5
more than 7	6

- (b) If no spouse or children survive the staff member, the Death Gratuity shall be paid to next of kin.

Rule 107.8 : Guidelines Governing the Provident Fund Scheme for the General Service Staff of SEAMES

- (i) There is hereby set up a Provident Fund Scheme for the General Service staff of SEAMES.
- (ii) Under the SEAMES Provident Fund Scheme each SEAMES General Service staff member (the employee) and SEAMES (the employer) shall contribute 7 % of the employee's salary to the Provident Fund. The amount of the contribution shall change whenever there is a change in salary. The employee's share of contribution shall be automatically deducted from his regular salary payments. The term "salary" for this purpose excludes all allowances and overtime pay received by the staff member.
- (iii) Contributions of each employee and equivalent contributions from SEAMES thus constituting the employee's Provident Fund shall be deposited in the employee's fixed deposit account at a local bank designated by SEAMES.
- (iv) The Provident Fund deposited into each employee's account shall remain there until his/her separation from service due to resignation, expiration of appointment, termination, retirement, abandonment of post, summary dismissal or death of the employee brings about the withdrawal of the account.
- (v) Upon separation from service due to resignation, expiration of appointment, termination, retirement or death, the employee shall receive the Provident Fund plus any interest accruing therefrom.
- (vi) An employee who is separated from service on the ground of abandonment of post or summary dismissal is eligible to receive only the portion of his own contributions to the Provident Fund plus the accrued interest for such portion. SEAMES' contributions to the employee's Provident Fund and the interest accruing therefrom shall be returned to the Secretariat.
- (vii) No contribution shall be accepted from any employee, nor shall the Secretariat make any contribution into his account until he signs a statement to the effect that he has read the foregoing sections and agrees to be bound by them. Such signed statement shall be retained in the employee's personal folder in the Secretariat.

Rule 107.9 : Separation Gratuity

- (a) A staff member of the Professional category and above who has served SEAMES at least one term of office but not less than two years shall upon separation be entitled to separation gratuity equivalent to his last full month salary for every term completed up to a maximum of three terms, provided that such a separation is not caused by bad conduct.

- (b) After completing each full term, the staff member who separates from the service before completing the current term shall be eligible for the separation gratuity proportionate to the time served for that term.
- (c) The amount of separation gratuity payable to the staff member whose appointment is less than three years is prorated based on the time served to the full term.

Rule 107.10 : Restitution of Advanced Annual and Sick Leave

- (a) Upon separation, a staff member who has taken advanced annual or sick leave beyond that which he has previously accrued shall provide restitution for such advanced leave by means of a cash refund or an offset against monies due to him from the Organization equivalent to the remuneration received, including allowances and other payments in respect of the advanced leave period, if any.
- (b) The SEAMES Director may waive this requirement if he is satisfied that there are compelling reasons for doing so.

Rule 107.11 : Effective Date of Separation from Service

- (a) The effective date of separation shall be the expiry date of the staff member's appointment or the date of his resignation, retirement, death, termination or summary dismissal as the case may be.
- (b) Upon separation, except in the case of summary dismissal, a staff member whose recognized home is outside the country of his duty station shall be allowed to relinquish his duties in time to enable him to reach his recognized home, by an approved route, on the date referred to in paragraph (a) above.
- (c) When a staff member who is entitled to repatriation travel decides, for personal reasons, not to exercise his entitlement to such travel until after the effective date of his separation from service, no salary or allowances other than approved travel per diem shall be paid to him in respect of travel time.

Rule 107.12 : Certificate of Service

Any staff member who so requests shall, on separation, be given by the SEAMES Director a certificate specifying the nature of his duties and the length of his service. The same certificate may include an appraisal of the staff member's work and behaviour, if requested.

Rule 107.13 : Procedure for Termination from Service

In accordance with Regulation 7.2, the Chairman of the Personnel Advisory Committee shall establish the procedures for the conduct of the meeting. The proceedings and reports shall be secret and confidential. Recommendations shall be submitted to the SEAMES Director who shall then convey his decision to the staff member concerned.

Rule 107.14 : Hand-over of Responsibilities

A staff member upon separation by expiry of appointment, resignation, termination, retirement, or summary dismissal, shall be required to effect a smooth hand-over of his responsibilities, including SEAMES properties and documents in his possession prior to the effective date of separation from the service and prior to the release of his emoluments. Failure to return to SEAMES any property or document that has value, the staff member shall automatically forfeit to SEAMES the part of his emolument equivalent to the value of SEAMES property or document.

Rule 107.15 : Suspension Pending Termination

- (a) When the SEAMES Director decides to refer a matter under Regulation 7.2 to the Personnel Advisory Committee, the staff member concerned may be suspended from his functions with full pay without prejudice to his acquired rights.
- (b) In exceptional cases, the SEAMES Director may authorize suspension without pay, but without prejudice to the acquired rights of the staff member concerned. If absolved of the offence or charge relating to the suspension, full restitution of pay due him shall be made.

CHAPTER VIII

DISCIPLINARY MEASURES

Regulation 8.1 :

The SEAMES Director shall establish an administrative machinery with staff participation to advise him on disciplinary cases.

Regulation 8.2 :

The SEAMES Director may impose disciplinary measures on staff members whose conduct is unsatisfactory. Notwithstanding the provisions of Regulation 8.1, the SEAMES Director may summarily dismiss a member of the staff for serious misconduct.

Rule 108.1 : Disciplinary Measures

Disciplinary measures shall consist of written censures, suspension, termination or summary dismissal.

Rule 108.2 : Procedure for Handling Disciplinary Cases

- (a) A disciplinary case shall be dealt with, in the first instance, by the immediate supervisor of the staff member concerned.
- (b) If deemed necessary, a disciplinary case shall be reported to the SEAMES Director who may or may not refer it to the Personnel Advisory Committee for advice.
- (c) Disciplinary measures specified in Rule 108.1 shall be imposed on a staff member only after the case has been referred to the Personnel Advisory Committee.
- (d) In considering disciplinary cases, the Committee shall act with dispatch. Proceedings shall be based on a written presentation of charges and on the rebuttal by the staff member concerned which may be made in writing and/or orally.
- (e) A staff member, whose disciplinary case is before the Committee, shall appear before same if asked to do so, however he may choose another staff member to assist or represent him before the Committee.

- (f) Proceedings of the Committee and its report, together with its recommendations to the SEAMES Director, shall be confidential. The SEAMES Director may take action on the basis of the Committee's recommendations, but in the case of those nominated by the Governments shall decide in consultation with the competent authorities of the respective government on action to be taken. The SEAMES Director shall convey his decision to the staff member concerned.

Rule 108.3 : Disqualifications of Committee Member

A member of the Personnel Advisory Committee shall be disqualified from participation in the work of the Committee:

- (i) If his rank is lower than the staff member whose case is under consideration;
- (ii) If he is personally involved in the case under consideration.

Rule 108.4 : Suspension Pending Investigation

If the SEAMES Director is convinced that there is prima facie evidence of serious misconduct by a staff member and that the staff member's continuance in service pending a decision by him would prejudice the interests of the Organization, the SEAMES Director may suspend the staff member from his functions, without prejudice to his acquired rights, with pay or, in exceptional circumstances, without pay. Such action shall be in consultation with the competent authorities of the staff member's government, as appropriate.

In case of suspension without pay, if absolved of the offense or charges relating to the suspension, full restitution of pay due him shall be made.

CHAPTER IX

APPEALS

Regulation 9.1 :

The SEAMES Director shall establish a Joint Appeals Committee with staff participation to advise him in case of any appeal by a staff member against disciplinary action or against an administrative decision, alleging that it conflicts with the terms of his appointment or with any relevant regulation or rule.

Regulation 9.2 :

As a last resort for staff members, the President of the Council shall hear and pass final judgement upon application from staff members alleging non-observance of their terms of appointment, or any relevant regulation or rule.

Rule 109.1 : Joint Appeals Committee

- (a) A Joint Appeals Committee shall be established to advise the SEAMES Director regarding appeals by staff members under Staff Regulation 9.1.
- (b)
 - (1) The Joint Appeals Committee shall consist of three members as follows:
 - (i) A Chairman appointed by the Council. An alternate Chairman may be appointed in the same manner.
 - (ii) One member appointed by the SEAMES Director for each Appeal.
 - (iii) One member elected by staff members for each Appeal.
 - (2) On an appeal by a staff member in the Professional category or above, no member shall be appointed from the General Service category.
 - (3) On an appeal by a staff member in the General Service category, one member shall be elected from a senior staff member of the General Service category to whom the appellant has no personal objection.
- (c) The SEAMES Director shall appoint a Secretary to the Committee.

Rule 109.2 : Jurisdiction of the Committee

- (a) The Committee shall consider appeals against an administrative decision or against any disciplinary action where a staff member alleges that it conflicts either in substance or in form with the terms of his appointment, or with any Staff Regulation or Staff Rule relevant to his case.
- (b) In cases in which the decision appealed against is based on grounds of inefficiency or relative efficiency, the Committee shall not have jurisdiction to determine the substantive question of efficiency, but only the question as to whether the decision was affected by prejudice or other extraneous factor.
- (c) In case of doubt, the Committee shall itself decide whether it is competent to deal with matter in question in accordance with these terms of reference.

Rule 109.3 : Procedure for Requesting a Hearing

- (1) A staff member who wishes to protest against any administrative decision or disciplinary action shall do so in writing within 15 days of the date of notification of such decision or action through appropriate channels. The protest shall be addressed to the SEAMES Director, who shall give a ruling within 15 working days of the date of protest.
- (2) If the staff member wishes to appeal against the ruling, or if no ruling is made within 15 working days, such staff member may request a hearing with the Joint Appeals Committee by reporting these facts in writing to the SEAMES Director within an additional period of 15 working days.
- (3) When circumstances preclude observance of time limits set for staff members under paragraph 1 and 2 above, the SEAMES Director may grant an extension.

*** Rule 109.4 : Procedure for Appeal**

- (1) Upon receipt of request for hearing, the SEAMES Director shall set in motion the necessary action to set up a Joint Appeals Committee in accordance with Rule 109.1 to hear the appeal. The Secretary of the Committee shall inform the persons appointed and shall inform the appellant of their names. Members so appointed who are unable to serve shall notify the Secretary of the Committee immediately. They shall return to the Secretary any documents relating to the case.

* As amended by the Council at the 37th SEAMEO Council Conference, In-Camera Session, on 12 March 2002.

- (2) A staff member may have his appeal presented to the Committee on his behalf by any other member of the Secretariat.
- (3) Within 10 working days of the request for a hearing, the appellant or his representative shall file a detailed appeal in accordance with the form prescribed by the SEAMES Director. If the detailed appeal is irregular in any respect, the Secretary of the Committee shall return it for rectification, and may grant up to 10 additional working days for resubmission.
- (4) Upon receipt of the detailed appeal, the Secretary of the Committee shall immediately forward copies to the Chairman of the Committee, and to the Committee members and to the Administration Manager in his capacity as Personnel Officer.
- (5) Within 10 working days of the receipt of the detailed appeal, the Administration Manager shall submit to the Secretary of the Committee his detailed reply with supporting documents in five copies. The Secretary of the Committee shall immediately forward copies to the Chairman, to Committee members, and to the appellant.
- (6) Within not less than 8 and not more than 15 working days after the date of the reply (or failing such a reply, not more than 18 working days after forwarding the appeal to the Administration Manager) the Secretary of the Committee shall convene the Committee for a hearing.
- (7) The Committee shall have authority to call members of the staff who may be able to provide information concerning the issues before it, and to request production of documents.
- (8) The hearing shall be in camera. It shall commence with a brief oral statement of the case by the appellant or his representative, followed by an oral reply by the Administration Manager or other representative of the SEAMES Director. The parties may give evidence and witness. The parties, and at the discretion of the Chairman, any member of the Committee may question all those who give evidence. The two parties and any member of the Committee may request the production of any relevant documents. Evidence shall be voluntary.
- (9) On the completion of the hearing, the Committee shall consider the case in private.

In considering the case the Committee shall act with maximum of dispatch consistent with a fair review of the issues before it.

- (10) At the end of the deliberations, and not later than 15 working days after the conclusion of the hearing, the Committee shall by a majority vote adopt a report summarizing the case and advising the SEAMES Director on what action, if any, he should take. Dissenting vote, and dissenting opinions (if the dissenting member desires), shall be stated in the report.

- (11) The Chairman of the Committee may, in agreement with the SEAMES Director, extend the time limits provided for in paragraph 1 to 10 above.
- (12) The Secretary of the Committee shall forward the report as soon as possible to the SEAMES Director and a copy to the appellant.
- (13) The SEAMES Director shall make a decision thereon as soon as possible and shall notify the Chairman of the Committee and the appellant.

*** Rule 109.5 : Records and Reports**

- (a) All proceedings of the Committee shall be confidential. Records of the Committee shall be confidential and shall be kept by the Administration Manager.
- (b) The report of the Committee shall be confidential unless otherwise decided by the SEAMES Director.

Rule 109.6 : Appeal to the President of the Council

- (a) If still not satisfied with the decisions of the SEAMES Director as provided in Rule 109.4 (13), staff members shall, as their last resort, have the right to appeal against administrative or disciplinary decisions to the President of the Council. In such cases the decision impugned shall be considered final.
- (b) The President of the Council shall decide the procedures in regard to the filing of appeal for his consideration.

Rule 109.7 : Limitation of Appeals on Suspension

The filing of an appeal either with the Joint Appeals Committee or with the President of the Council shall not have the effect of suspending action on an administrative or disciplinary decision which is the subject of the appeal.

* As amended by the Council at the 37th SEAMEO Council Conference, In-Camera Session, on 12 March 2002.

CHAPTER X
GENERAL PROVISIONS

Regulation 10.1 :

These regulations may be supplemented or amended by the Council subject to the maintenance of the acquired rights of the staff members.

Regulation 10.2 :

The SEAMES Director shall report to each session of the Council such staff rules and amendments thereto as he may make to implement these regulations.

Rule 110.1: Effective Date of Staff Regulations and Staff Rules

These Staff Regulations and Staff Rules shall be effective immediately upon approval by the Council and shall supersede all provisions in force before that date and contrary to them, without prejudice to the acquired rights of staff members under the Staff Regulations and Staff Rules.

Rule 110.2: Amendments and Exceptions to Staff Rules

- (a) These rules may be amended by the SEAMES Director in a manner consistent with the staff regulations.
- (b) The SEAMES Director may make exceptions to the rules, in specific cases, provided that such exceptions are not inconsistent with the staff regulations and do not constitute a breach of contract or prejudice the acquired rights of staff members, and are in the interests of the Organization.
