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ជាតិ សាសនា ព្រះមហាក្សត្រ



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សៀវភៅការងាររបស់និយោជិក

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA
PERSONNEL HANDBOOK
(National)

Revised by the Personnel Section
of the ECCC, Office of Administration,
with the assistance of
Daniel E. Conway, Human Resources Consultant

Issued by
Personnel Section, ECCC

Second Edition, 02 August 2007

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CHAPTER 1

INTRODUCTION

A. ECCC MISSION

In accordance with the Agreement between the United Nations (UN) and the Royal Government of Cambodia (RGC) Concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea and the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea, the Office of Extraordinary Chambers in the Courts of Cambodia (ECCC) was officially opened on 01 February 2006 in Phnom Penh, Cambodia.

The ECCC is established in the existing Cambodian court structure for the purpose to bring to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian laws related to crimes, international humanitarian laws and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979.

The Director of the Office of Administration is appointed by the Royal Decree signed by the King of Cambodia and administers all national office employees in the Office of Administration, Co-Prosecutor and Co-Investigation Judge. (Chapter 9, Article 30 in the Law on the establishment of the ECCC)

B. ROLE OF THE ECCC STAFF

Under the project agreement between the UN and the RGC the national employees must possess and bring to their work the knowledge, conditions and languages necessary to support the effective operation of the ECCC. They assist the ECCC with specialized and technical work in administration, legal, and public affairs areas and with a variety of supporting services. They are sometimes called upon by the ECCC personnel management, in order to keep ECCC work moving, to fill gaps created by vacant ECCC positions.

C. PURPOSE OF THE PERSONNEL HANDBOOK

This Handbook represents the official personnel policies and practices for the National employees of the ECCC Office of Administration. It applies to all the ECCC National that fall under the authority of the ECCC's administration. This handbook is published in both Khmer and English. In the event that discrepancies exist between the two versions, the Khmer version of the Handbook shall prevail.

All the ECCC National employees are required to read this Handbook very carefully in order to have a clear understanding of their obligations and rights of employment. Current ECCC National employees should also familiarize themselves with the updated Handbook.

This Handbook does not cover or anticipate all problems or questions. Further information or clarification on any issue in this Handbook should be directed to the Director of the Office of Administration or the Chief of the Personnel Section, who is the Director of the Office of Administration's delegated representative for developing and interpreting personnel policy for the ECCC.

This Personnel Handbook replaces the First Edition issued on 22 March 2007. This Handbook may be amended, revised or a new edition issued by the Personnel Section in the future, as needed.

D. POLICY AS IT RELATES TO CAMBODIA LAWS AND REGULATIONS, LAW ON ESTABLISHMENT OF THE ECCC, AGREEMENT BETWEEN THE UNITED NATIONS AND ROYAL GOVERNMENT OF CAMBODIA

The ECCC aims to comply with the existing laws of Cambodia, the law on the establishment of the ECCC, and the Agreement and Supplementary Agreement between the United Nations and the Royal Government of Cambodia.

CHAPTER 2

DEFINITIONS

A. ECCC NATIONAL EMPLOYEES

A National ECCC employee can only be a Cambodian, who is selected from civil servants or other qualified nationals of Cambodia. All National ECCC employees of the Office of Administration (OoA), Co-Prosecution (OCP), Co-Investigation Judge (OCIJ), Trial Chamber (TC), Supreme Court Chamber (SCC) and Pre-Trial Chamber (PTC) shall be appointed by the Royal Government of Cambodia.

B. ECCC SECURITY STAFF

Candidates for security staff positions may be nominated by the Extraordinary Chambers' Security Commission (ECSC) and candidates for security staff positions will be tested and interviewed by the ECCC National Chief of Security Section and Chief of Personnel Section, who will make recommendations to the Director of the Office of Administration for approval and subsequent appointment by the Royal Government of Cambodia.

C. ECCC INTERNS AND VOLUNTEERS

Interns and Volunteers are selected and assigned to perform designated tasks as required by offices and sections such as the OoA, OCP, OCIJ, TC, SCC and PTC. Interns and Volunteers are selected under the specific authority of the Director of the Office of Administration. Interns and Volunteers are in a special category and they work without remuneration payments or any other benefits from the ECCC and focus on the performance of specific tasks and services under the management of ECCC employees. Interns and Volunteers are not ECCC employees. Separate guidelines for the selection and work to be assigned to interns and volunteers shall be established by the Personnel Section.

Interns and Volunteers shall submit an Intern application or a Volunteer application for consideration by the ECCC. The applications will be submitted through the Chief of Personnel Section for the Director of the Office of Administration's approval.

A paid Intern program may be introduced in the future.

D. ECCC CONSULTANTS AND EXPERTS

Consultants and Experts are in a special category and focus on performance of tasks and outcomes needed by the Sections or Offices which request their services. National Section Head or Chiefs, NCP, TC, SCC, PTC and NCIJ shall submit requests for Consultants or Experts through the Chief of Personnel Section for prior approval of the Director of the Office of Administration. Consultants and Experts are not ECCC employees; they are contractors working for the ECCC.

A qualified national or international Consultant or Expert is hired through a competitive selection process with an agreement between the ECCC, represented by its Director of the Office of Administration, and the individual Consultant or Expert. Services of Consultants and Experts are for a limited period of time, which is defined in the agreement between the individual and the ECCC at the time a contract is awarded. The compensation for a Consultant or Expert and any other conditions of employment are established in the contract as agreed by both parties before the Consultant or Expert begins work for the ECCC.

E. ACTING HEAD OF OFFICE OR ACTING HEAD OR CHIEF OF SECTION

For the purposes of the Selection Process set out in Chapter 4 of this Handbook, an Acting Head of Office or Acting Head or Chief of Sections the officer designated to be in charge of an Office or Section when the Head or Chief is absent from the ECCC offices for an extended period, such as periods of mission, leave, sick leave, etc. When Heads of Office or Head or Chiefs of Section are absent from the ECCC offices, the Chief of Personnel Section may select Acting Heads or Acting Head or Chiefs as members of Ad Hoc Selection Committees.

Whenever the text of the Personnel Handbook refers to members of an Ad Hoc Selection Committee, the term “Head of Office” includes an Acting Head of Office, and the term “Head or Chief of Section” includes an Acting Head or Chief of Section.

CHAPTER 3

RECRUITMENT AND APPOINTMENT

A. RECRUITMENT POLICY

All ECCC National employees shall be recruited based on the following principles:

1. **Transparency:** Recruitment shall be carried out by a selection committee in accordance with a process which establishes accountability for decisions made;

2. **Competitiveness:** The recruitment process shall open the job opportunity to as many applicants as possible within the set time frame for submission of applications; and

3. **Consistency:** All decisions shall be based on compliance with the requirements of the prescribed recruitment procedures, established selection criteria on the most suitable match between the applicant's qualifications and job requirements.

a. Uniform recruitment standards linked to the grades of the positions to be filled have been established for all positions with the ECCC, based on the type and level of education and experience required to perform effectively the duties and responsibilities of the positions.

b. The number or years required for a position are linked to the job classification system used to establish grades, and thus salary levels, for all posts. The number of years of relevant experience for posts at the indicated grades are:

| <u>grade</u> | <u>years of relevant experience</u> |
|--------------|-------------------------------------|
| D.1 | 10 years or more |
| P.5 | 7 years or more |
| P.4 | 5 years or more |
| P.3 | 3-4 years |
| P.2 | 2-3 years |

c. Vacant positions are announced in all cases by Administrative Notice (to allow internal candidates to apply) and by advertisement of a Vacancy Announcement in at least two local newspapers (Khmer and English), on the ECCC website, and in notices sent to Embassies and Non-Governmental Organizations or other likely sources of qualified external candidates.

Vacant positions may be filled from within the ECCC employees when the best qualified applicant is an ECCC employee.

d. The Office of Administration of the ECCC shall be responsible for the timely recruitment of candidates with the most suitable qualifications for positions to be filled, based on approved job descriptions and the relevant Vacancy Notice.

B. RECRUITMENT PROCESS AND PROCEDURES

1. Position Description Preparation:

a. A job description shall be developed and approved for each post by the respective Sections and Offices, for refinement as necessary prior to a recruitment action. Job descriptions shall indicate: job title; grade of position; duty station; duration of assignment; arrangement for supervision; qualifications required (including education, training, length of work experience, language proficiency, computer proficiency, knowledge and skills required), and the duties and responsibilities of the position.

b. The National Chief of Personnel Section and the National or International Heads of Office or Head or Chiefs of Sections undertaking recruitment actions must closely cooperate and work together to refine the job descriptions to be used as the basis for a vacancy announcement.

2. Recruitment Requests:

a. National Head or Chiefs of Section, Co-Prosecutor, Co-Investigating Judge, Trial Chamber Judge, Appeal Chamber Judge, and Pre-Trial Chamber Judge shall submit a request for employee's recruitment through the Chief of Personnel Section to the Director of the Office of Administration for approval.

b. The request for employee's recruitment shall identify a vacant position in the national ECCC staffing table agreed by the United Nations and the Royal Government of Cambodia.

c. The request for employee's recruitment shall indicate clearly the position title, grade, and desired timing for the appointment of the new employee.

d. A job description which includes the items set out in paragraph B, 1, a, above, must be attached to the request for employee's recruitment.

e. If the request for employee's recruitment is linked to the creation of a new position in the national ECCC staffing table, the request will make this

clear and will be accompanied with a justification for the need of the new position, including a job description, and a copy of the request will be sent to the Chief of the Budget and Finance Section to identify a source of funding for the new position. The Director of the Office of Administration will review this request for a new position and will note the funding source identified by the Chief of the Budget and Finance Section. If existing ECCC funding is not available for the new position, and if the Director approves it, he will forward the request and all accompanying documentation to the funding institution in accordance with funding agreements for review and, if funding is available, agreement to the addition of the new position to the agreed national ECCC staffing table.

3. Vacancy Announcements

a. Development:

i. All vacancy announcements must state clearly that an ECCC Application Form must be filled out and submitted with any application, and that an application without the ECCC form will not be considered.

ii. Vacancy announcements must state that ECCC Application Forms can be obtained on the ECCC website, at the gate of the ECCC compound, or in central Phnom Penh at the Council of Ministers building, UNDP Building 3 or any other location established by the ECCC.

iii. Vacancy announcements shall state that in addition to the required ECCC Application Form, candidates must submit a cover letter, curriculum vitae and copies of documents described in the candidate's curriculum vitae.

iii. The vacancy announcement shall include such information as the announcement number, position title and grade.

iv. Vacancy announcements shall also include the date of issue, closing date for receipt of applications, duty station, responsibilities and duties, minimum qualifications including language qualifications, and how to apply, and the deadline for applications.

v. The text (Khmer and English) of vacancy announcements shall be approved by the Chief of the Personnel Section after the refinement of all information needed.

vi. All vacancy announcements shall clearly state that only candidates who are to invited for testing or interviews will be contacted by the ECCC, and that no applications will be returned to applicants.

b. Approval and Issuing of Vacancy Announcement

i. All vacancy announcements shall be submitted by the Chief of Personnel Section to the Director of the Office of Administration for approval prior to releasing the announcements by Administrative Notice (to allow internal candidates to apply) and by advertisement in two or more local newspapers (Khmer and English), on the ECCC website, and in notices sent to Embassies and Non-Governmental Organizations or other likely sources of qualified external candidates.

ii. All approved vacancy announcements shall be notified to the Public Affairs Section before release to the public.

iii. A period of 2 weeks at the minimum, or longer, from the date of the issuance of a Vacancy Announcement shall be allowed for receipt of applications.

c. Collecting and Reviewing Applications

i. As applications are received, they will be numbered and entered into a log book by the Personnel Section.

ii. Only applications that have been received by the close of business on the day of the deadline for applications and entered into the log book will be considered.

iii. Personnel Section will make a list of applications to be considered, for use by the Ad Hoc Selection Committee established to assess applicants for a position.

CHAPTER 4

SELECTION PROCESS

A. AD HOC SELECTION COMMITTEES

1. The Chief of the Personnel Section shall select an Ad Hoc Selection Committee consisting of three (3) members. For vacancies at grade levels P.2, P.3, P.4, P.5 and D.1, all members must be Heads of Office or Head or Chiefs of Section, and must include the Head of the Office or Head or Chief of the Section in which the vacant post exists whether that Head or Chief is a National or International employee. For vacancies in the FS and GS categories, the Heads of Offices and Head or Chiefs of Sections selected by the Chief of Personnel Section, including the Head of Office or Head or Chief of the Section in which the vacant post exists, may designate a supervisor in that Office or Section to represent him/her.
2. The Chief of the Personnel Section shall name one of the members of the Ad Hoc Selection Committee or a representative designated by the Heads of Office or Head or Chiefs of Section as Chair of the committee, except that the Chair of the Ad Hoc Selection Committee cannot be the Head or Chief of the Office or Section in which the vacant post exists nor his/her representative.
3. The Chief of Personnel Section shall serve as the representative of the Director of the Office of Administration and as Secretary to the Ad Hoc Selection Committee, and may be accompanied in Committee meetings by an employee from the Personnel Section to take notes, manage documents and prepare records for the Ad Hoc Selection Committee.
4. A list of proposed committee members shall be distributed to the Head of Office or Head or Chief of the Section where the vacancy exists, and to the other two nominated members, for acknowledgement of their selection, and agreement (or in the case of the Head of Office or Head or Chief of Section where the vacancy occurs, designation of a representative to sit on the Committee).
5. When the nominated members have acknowledged their nomination and agreed to serve, a list of the nominated Ad Hoc Selection Committee members and the approved Vacancy Announcement shall be submitted to the Director of the Office of Administration for approval.
6. When the Director of the Office of Administration has approved the members of an Ad Hoc Selection Committee, the Chief of Personnel Section shall notify the members and inform them of a clear schedule for meetings to

review the candidates. This must be done at least three (3) days before the selection meetings begin.

7. Absence of any selection committee member from any meeting must be notified to the Chief of Personnel Section one day in advance. No substitutes are permitted for the appointed members of a Committee. Selection Committee meetings must be rescheduled if a member is absent.

8. The members of an Ad Hoc Selection Committee and the Personnel Section will treat all documents, proceedings, discussions and records of the Committee's activities as strictly confidential.

B. SCREENING

1. All Application Forms and their supporting documents (Cover Letter, Curriculum Vitae and related documents) shall be numbered and logged in sequence into a register, with the information necessary to assure that no application is lost. The Chief of Personnel Section shall establish a "long list" of all applicants for use by the Ad Hoc Selection Committee.

2. Ad Hoc Selection Committee members shall meet to agree on the criteria for judging applicants based on the job description and Vacancy Announcement for the vacant post. Criteria shall include appropriateness of education and training, length and relevance of work experience, professional skills, general knowledge and employment record.

3. Ad Hoc Selection Committee members shall screen applications and review candidates. The screening process shall review each cover letter, ECCC Application Form, curriculum vitae and supporting documents.

4. A record of all meetings of the Ad Hoc Selection Committee shall be kept by the Chief of Personnel Section acting as Secretary of the Committee, showing dates of meetings and starting and ending times. These records including all application information and documents will be filed and maintained in the Personnel Section after the selection process is completed.

5. A "short list" of candidates to be invited for testing and interview shall be established by the Ad Hoc Selection Committee. The list will be prepared by the Chief of Personnel Section as Secretary to the Committee, and approved and signed by all Ad Hoc Selection Committee members. Only those candidates on this list will be tested or interviewed for a position.

6. All "short-listed" candidates shall be contacted or notified by telephone or e-mail by the Personnel Section at least 3 days prior to the test or interview session.

C. TESTING AND INTERVIEW

1. Questions of a technical nature related to the duties and responsibilities of the post to be filled shall be prepared by the Head of Office or Head or Chief of the Section in which the vacant post exists. Questions of a general nature may be prepared by other Ad Hoc Selection Committee members. All questions for interviews and testing will be provided to the Chief of the Personnel Section in advance of the first interview session, and the Chief of the Personnel Section shall compile a list of all questions and distribute the list to all selection committee members at least 3 days before the first interview session or testing session.
2. Testing may include written tests and technical tests. English and computer ability shall be tested when these skills are required in the Vacancy Notice. Testing for translator or reviser positions shall include a translation of a text, and testing for interpreter positions shall include a period of interpretation.
3. The Chief of Personnel Section will appoint a Working Group to write the test questions. The Working Group will submit test questions to the Chief of Personnel Section who will distribute the questions to the members of the Ad Hoc Selection Committee for use in the testing process.
4. The content and duration of tests shall be determined by the Ad Hoc Selection Committee in advance of the start of testing. At a closed meeting just before the first interviews, the members of the Ad Hoc Selection Committee will select some questions to use in the interviews. Tests shall be at a level appropriate to the level of the post to be filled: GS 2 to GS 4, FS 3 to FS 5, or P 2 to P 5. Tests shall measure competence, communication skills, values and work ethics, and in appropriate cases technical skills (computer skills for most posts, driving skills for drivers, translating skills for translators, interpreting skills for interpreters, etc.)
5. After an assessment of test results, the Ad Hoc Selection Committee shall identify the candidates who have successfully passed the tests, and list these candidates for interviews. The list will be prepared by the Chief of Personnel Section as Secretary to the Committee, and approved and signed by all Ad Hoc Selection Committee members. Only those candidates on this list will be interviewed for a position.
6. Interviewed candidates may be invited for a second interview, if necessary, to clarify their competitiveness and qualifications.

7. In order to evaluate the results of tests and interviews, each Ad Hoc Selection Committee member shall prepare an evaluation sheet for each candidate tested and interviewed which includes such information as:

- Name of the Selection Committee member
- Vacancy Announcement number
- Position title
- Name of candidate
- Application number assigned when application was received and entered into register
- Date and time of test/interview
- Location
- Evaluation scores by the Selection Committee member

8. After testing and interviews are complete, the Ad Hoc Selection Committee shall meet to compare their ratings of the candidates and to select a “final list” of qualified candidates for the vacancy.

9. The Chair of the Ad Hoc Selection Committee shall lead the discussions to arrive at the selection of the preferred candidate. When consensus is reached or when a majority of the Ad Hoc Selection Committee agrees on a preferred candidate, the Secretary of the Committee will record the results of the tests and interviews and the selection of successful candidate, and the document shall be signed by all Committee members.

10. The Ad Hoc Selection Committee may decide, when there are two good candidates for a position, to list their preferred candidate in the first place, but may indicate that if for any reason the preferred candidate is not available to accept the position, the second ranked candidate could be appointed, in order to avoid the need of redoing a selection process.

11. The committee shall create minutes of their discussions and decision after the collection of all scores and related information. These minutes will be signed by all of the members of the Ad Hoc Selection Committee and the Chief of the Personnel Section, and shall be filed and retained indefinitely in the records of the Personnel Section.

[Note: signing the results of an Ad Hoc Selection Committee review simply means that the member signing the document agrees that its content is accurate. A member who has been outvoted by the other Committee members is still expected to sign the results to attest to their accuracy, even if he/she does not agree with the recommendation of the Committee.]

D. REFERENCES AND SECURITY CHECKS

1. The Chief of Personnel Section will collect the references of the first-ranked candidate for a position (or first and second-ranked candidates when two are considered suitable for the position), and when obtained, shall provide copies to the members of the Ad Hoc Selection Committee for their information.
2. Security checks may be made on selected candidates before they are appointed.

E. FALSE INFORMATION

The discovery of any deliberate falsification of information or records submitted to ECCC as part of a candidate's application for employment shall be a cause for disqualification or if appointed, dismissal.

CHAPTER 5

APPOINTMENT PROCESS

A. APPROVAL IN PRINCIPLE BY THE DIRECTOR OF THE OFFICE OF ADMINISTRATION

1. The results of the Ad Hoc Selection Committee review, signed by all committee members, and the minutes of their discussions and decision after the collection of all scores and related information and references shall be transmitted by the Chief of the Personnel Section to the Director of the Office of Administration for approval in principle of the appointment of the selected candidate. The Director of the Office of Administration will then transmit the file to the Royal Government of Cambodia for the appointment action, except as set out in paragraphs 2, 3, and 4, below.

2. In accordance with Article 13 of the Law on the Establishment of the Extraordinary Chambers, with inclusion of the amendments promulgated on 27 October 2004 (NS/RKM/1004/006), in choosing staff to serve as assistants and law clerks, the Director of the Office of Administration shall interview if necessary and, with the approval of the Cambodian judges by majority vote, hire staff who shall be appointed by the Royal Government of Cambodia. Cambodian staff shall be selected from Cambodian civil servants or other qualified national of Cambodia, if necessary.

3. In accordance with Article 22 of the Law on the Establishment of the Extraordinary Chambers, with inclusion of the amendments promulgated on 27 October 2004 (NS/RKM/1004/006), the Co-prosecutors shall be assisted by Cambodian and international staff as needed in their offices. In choosing staff to serve as assistants, the Director of the Office of Administration shall interview, if necessary, and with the approval of the Cambodian Co-Prosecutor, hire staff who shall be appointed by the Royal Government of Cambodia. Cambodian staff shall be selected from Cambodian civil servants and, if necessary, other qualified nationals of Cambodia.

4. The Co-Investigating Judges shall be assisted by Cambodian and international staff as needed in their offices. In choosing staff to serve as assistants, the Co-Investigating Judges shall comply with the spirit of the provisions set forth in Article 13 of the Law on the Establishment of the Extraordinary Chambers, with inclusion of the amendments promulgated on 27 October 2004 (NS/RKM/1004/006).

5. After the procedures set out in paragraphs 2, 3 and 4, above, have been completed, the Director of the Office of Administration will then transmit the file to the Royal Government of Cambodia for the appointment action.

B. CONTRACT OF EMPLOYMENT

1. The ECCC shall issue to the appointed candidate the appropriate service agreement based on the management guidelines of the ECCC for its National staff. Contracts shall clearly state the duration of the contract, grade level and salary, post title, post location (Section), duties and responsibilities, and other relevant information. The following types of contracts may be issued by the ECCC:

- Short-term Service Agreement (STSA): This is a full-time appointment for up to 3 months and shall be used for the initial probationary 3-month appointment of all employees, and for hiring individuals for short-term periods of service of up to 3 months;
- Intermediate Service Agreement (ISA): This is a full-time appointment and shall be used for individuals whose service covers a period of up to 2 years. Intermediate Service Agreements may be renewed based on a satisfactory performance appraisal, a continuing need for the staff member and continuing funding for the post.
- Special Service Agreements (SSA): This is an agreement signed with an individual who will provide services to the ECCC, but who will not be considered an employee of the ECCC. Special Service Agreements may provide for lump-sum compensation upon completion of a task.

2. A signed contract shall be submitted to the Personnel Section before a selected candidate begins work for the ECCC. The Personnel Section shall provide a copy of the contract to the employee concerned, with a copy to the Chief of Budget and Finance Section.

3. Thirty days prior to the expiration of any employment contract, the staff member shall be informed in writing as to whether the contract is to be renewed, except that for staff on initial probationary appointments, seven days of notice will be given.

C. DURATION OF EMPLOYMENT

1. ECCC employees will be appointed for a specific period of service as specified in their service agreements: i.e., Full-time Service Agreement limited to three months, six months, one year or two years. The duration of service agreements is determined on the basis of the work requirements of the ECCC.

2. Part-time service agreements will be subjected to duration of one month or less.

D. MEDICAL REQUIREMENT

1. All ECCC employees are required to have good physical and mental health sufficient to allow them full performance to the duties and responsibilities of the position to which they are appointed. A Health Certificate shall be supplied by the successful applicant prior to issuance of a contract.

2. The ECCC is not able to provide any medical care plan to any employee working for the ECCC.

E. SECURITY-RELATED ISSUES

1. The discovery of any deliberate falsification of information or records submitted to ECCC as part of an employee's application for employment or at any time during their period of employment shall be a cause for dismissal.

2. A security investigation with a favorable recommendation by the Chief of the Security Section may be required for any employment of National ECCC employees in certain sensitive positions. A security investigation may be requested by the Director of the Office of Administration, the Chief of Personnel Section, the Chief of Security Section, or the Head of Office or Head or Chief of the Section in which the vacant post occurs.

3. ECCC employees may be temporarily suspended with or without pay depending on the assessment of the Office of Administration if the Chief of Security Section believes that the employee's continued employment presents a security risk to the ECCC.

CHAPTER 6

COMPENSATION

A. GENERAL POLICY

The ECCC employees' compensation plan is based on grade levels in the ECCC staffing table agreed between the United Nations and the Royal Government of Cambodia. Any revision of the compensation plan shall be made with the prior approval of the Director of the Office of Administration of the ECCC and UNDP, after full justifications have been presented, except for salaries paid from Indian funding.

B. REMUNERATION

The ECCC strives to keep the remuneration of ECCC employees aligned with the commitment and agreement reflected in the staffing table at the following grade levels:

- D.1
- P.2 to P.5
- FS 3 to FS 5
- GS 2 to GS 4.

C. ANNUAL BONUS

No ECCC National employee shall be provided with an annual bonus based on their annual remuneration.

D. TERMINATION PAYMENTS

No ECCC National employee shall be provided any severance pay or other benefits when the work of the ECCC is completed, or when leaving ECCC service at the end of a contract, or when Removed from the ECCC staff under the Disciplinary procedures set out in this Handbook.

E. OVERTIME COMPENSATION

From time to time, urgent and necessary work will require ECCC National employees to work beyond normal working hours, or on weekends or holidays. As a general policy, due to the lack of budgetary provisions for overtime payments, compensatory leave shall be granted instead of financial compensation for overtime work beyond regular office hours or on weekends or holidays. The Director of the Office of Administration may consider exceptions to this policy, based on the availability of the necessary funds.

F. PAYMENT OF REMUNERATION

1. The ECCC shall be responsible for payment of its employees' remuneration as set out in the contract of employment, based on the internal procedures of the Budget and Finance Section. Payments to ECCC employees shall be on a monthly basis, based on time and attendance records submitted monthly by Sections Chiefs, Heads of Offices and the office of the Director for the staff under their supervision, and the Personnel Section will compile these records and approve them and submit them to the Budget and Finance Section.
2. Payment may be made in the form of a Lump Sum for persons hired with a Special Service Agreement.
3. Due to budget restrictions, National ECCC employees shall not be provided with annual increases in their remuneration.

CHAPTER 7

POSITION CLASSIFICATION

A. BASIC FUNCTION OF POSITION CLASSIFICATION

1. Positions are created as the administrative basis for employing someone to carry work that needs to be performed. The work is the justification for the position. A description of the work to be done is used to define the qualifications, skills and experience someone needs to successfully do that work.

2. The job description for a position is used to classify the position. Based on the level and complexity of work, the level of education required, language skills required, years of experience required, the job classification system developed by the United Nations is applied, and a grade assigned to the position.

3. For each grade in the United Nations system, there is a corresponding salary scale. While the United Nations salary system is not applicable to NCCC National staff, the relative values set out by the UN position grading system forms the basis for ECCC employee's salaries in the approved staffing table.

4. The staffing table for National ECCC employees contains positions graded using the UN classification system. The grade level of positions has been agreed between the UN and the Royal Government of Cambodia, and funding is made available based on the costs associated with the grades of the posts in the staffing table.

B. POSITION DESCRIPTIONS (JOB DESCRIPTIONS)

1. Position descriptions reflect the major duties of every position in the ECCC. Each employee will receive a copy of his/her job description (sometimes called Terms of Reference) after entry on duty. Position descriptions are reviewed on a yearly basis in conjunction with the annual employee performance evaluation.

2. From time to time, job descriptions may be adjusted to reflect changes in the work to be performed by the employee in the position, and the employee must be informed of any such adjustment and the employee must be given a revised job description.

3. Minor changes in job descriptions do not automatically change the grade of a post.

CHAPTER 8

PROMOTION

A. CRITERIA

1. **Promotion must be based on the following criteria:**
 - a. a position must exist that is properly graded at a level higher than the National employee's personal grade;
 - b. funding for the costs of the higher level post must be available;
 - c. the employee must meet the requirements of the higher-graded post;
 - d. the national supervisor, Section Head or Chief and Head of Office must submit written support for a promotion, and a current Performance Evaluation report;
 - e. the employee is selected to occupy the higher-graded post on the basis of established procedures, as set out below;

B. PROMOTION PROCEDURES

There are two procedures for promotion: Competitive and Direct Selection.

1. Competitive Promotion:

- a. When a post is vacant (newly created, previous incumbent has left the post) it must be announced internally and externally as following the procedures set out in Chapter 4, Selection Process.
- b. Internal and external candidates must be examined, and the most qualified selected for the post. If an internal candidate and an external candidate are the top two candidates in the ranking of the Ad Hoc Selection Board, and if the ratings given the internal and external candidates are identical, or within a 10% range, then preference should be given to the internal candidate.
- c. If the vacant post is at a grade higher than the personal grade of the internal candidate appointed to it, the successful internal candidate may be promoted by one grade upon assignment to the higher level post.

2. **Direct Selection:**

a. When a post is not vacant, and has been upgraded to a higher level using the applicable UN grading standards because of changes in the level and nature of the duties and responsibilities attaching to the post, the promotion of the incumbent can be considered.

b. When there is no vacancy to announce, and when an occupied post has been upgraded, the incumbent of that post may be promoted if a Performance Review report certifies that the incumbent of the upgraded post is performing all of the duties and responsibilities of the upgraded post in a fully satisfactory manner, and if the relevant Head or Chief of Section and Head of Office recommend the promotion of the incumbent of the post.

c. In such cases, the Chief of Personnel Section may recommended to the Director of the Office of Administration the promotion of the incumbent of the upgraded post by Direct Selection, and the Director of the Office of Administration shall decide whether or not to promote the recommended employee.

3. Basis for consideration for a promotion:

- a. employee performance;
- b. skills of the employee and skills required by the higher position;
- c. type of service contract.

CHAPTER 9

ATTENDANCE AND LEAVE

A. WORK WEEK

Basic weekly working hours are 40 hours, from Monday to Friday. For certain positions, the basic workweek may be up to 44 hours per week, based on ECCC requirements.

B. HOLIDAYS

ECCC employees are normally not required to work on designated Cambodian holidays and United Nations holidays as set out in an ECCC Information Circular at the start of each calendar year.

C. LUNCH HOUR

The lunch break period is one hour and is scheduled in accordance with the needs of the offices of the ECCC.

D. PUNCTUALITY AND ATTENDANCE

1. The office hours for ECCC National employees are from 0730 to 1630 hours, inclusive of the one hour lunch break
2. All National employees of the ECCC are expected to be punctual.
3. Any absence from ECCC premises on official business for less than one day should be reported two days in advance to the Head or Chief of Section and the Chief of Personnel Section, or if advance notice is not possible, then reported to the Head or Chief of Section and Chief of Personnel Section immediately upon return to the ECCC offices.

E. LEAVE PLAN

The Director of the Office of Administration is responsible for the management of ECCC Leave entitlements in accordance with the Labor Law of Cambodia dated of 24 October 1998 and the relevant ECCC administrative rules.

1. Annual Leave:

a. Leave earning:

i. Annual leave (vacation with pay) is provided for two purposes:

- to allow for vacation;
- to allow for time off for personal and emergency purposes.

ii. Leave earned per year for each national employee in the ECCC (subject to a minimum of one-year of service) is 18 days, equal to 144 hours. This means that after one month of service with the ECCC, each employee shall be entitled to 12 hours of leave per month.

iii. Leave can be accumulated and carried forward from month to month during a 12 month period. However, by the end of that 12 month period, all accumulated leave must be used.

iv. A positive leave balance for each employee will be voided at the end of his or her full year of service, measured from the effective date of the Service Agreement. If leave has not been taken by the end of his or her Service Agreement, it will not be carried over, nor will the employee receive a lump sum payment in lieu.

b. Procedures to Request Annual Leave

i. The employee must initiate a leave of absence request on the Leave Request Form (EC-LR-01) in advance of the start of the planned leave. The Leave Request Form must be sent to the employee's National supervisor, Head or Chief of Section, and Head of Office for approval and then sent to the Chief of Personnel Section for certification of the amount of the employee's annual leave entitlement. The Leave Request Form shall then be submitted by the Chief of Personnel Section to the Director of the Office of Administration at least three days in advance of the leave date for final approval;

ii. In cases where pre-approval is impossible, such as personal emergencies, the employee must orally notify his/her supervisor as soon as possible and submit a Leave Request Form on the first return date from the leave.

2. Sick Leave: General Rules

- a. Each employee shall be entitled to annual sick leave of 21 working days, equal to 168 working hours. This means that after one month of duty, a sick leave entitlement is 14 hours has been earned.
- b. If sick leave during a year is more than 168 working hours, excess sick leave above 168 hours shall be charged to annual leave.
- c. ECCC National employees who are absent from duty to take care of a family member may not use their sick leave. Absences such as these are chargeable to annual leave or leave without pay.
- d. Whenever possible, sick leave requests must be initiated by each employee in advance, using a Leave Request Form (EC-LR-01). The Leave Request Form must be submitted to the Head or Chief of Section for approval. Forms approved by the Head or Chief of Section shall be submitted to the Chief of Personnel Section for certification of the amount of the employee's sick leave entitlement. The form shall then be sent to the Director of the Office of Administration for approval.
- e. In cases where advance approval cannot be obtained, the employee must immediately notify his/her supervisor that he/she is ill and cannot report for duty. Upon return to duty, the employee must submit a Leave Request Form (EC-LR-01) promptly.
- f. Employees shall receive their full remuneration during periods of sick leave, except that when a period of sick leave extends beyond the sick leave entitlement and the annual leave entitlement of the employees, sick leave will be considered leave without pay.
- g. Sick leave benefits shall consist of the employee's normal remuneration for the period of paid sick leave. The ECCC shall not reimburse any claim for the employee's medical costs.

3. Short-Term Sick Leave:

- i. Short-term sick leave is limited to two days or less, and is granted without submission of a doctor's certificate.
- ii. Short-term sick leave may be granted for the following reasons:
 - when an employee is incapacitated for performance of official duties by illness, injury or pregnancy;

- for medical, dental or optical examination or treatment.

4. Long-Term Sick Leave:

- Long-term sick leave covers absences of three days or more due to illness, injury, pregnancy or hospitalization.
- Long-term sick leave is granted with submission of a medical recommendation from a medical practitioner or doctor.

5. Maternity Leave:

- Maternity leave is authorized for female employees for 3 months with full pay.
- The 3 months of paid maternity leave may begin during the 2 weeks before the expected delivery date for the baby, and will end 3 months after the start date.

6. Special Leave:

- Special leave is granted with the approval of the employee's supervisor, Head or Chief of Section, Chief of Personnel Section and the Director of the Office of Administration for compelling personal reasons in specific circumstances, such as the death of an immediate family member or other serious family emergencies, and for specific events.
- An employee's Head or Chief of Section may require appropriate proof to support a request for Special Leave.
- Special Leave is not accrued each year. It is granted on an as-needed basis, and is granted for the periods indicated for the purposes set out below:

| <u>Purpose</u> | <u>Amount of Special Leave</u> |
|--|--------------------------------|
| Marriage of the employee | 16 hours |
| Death of immediate family member | 16 hours |
| Other serious family emergency | 16 hours |
| Marriage of employee's children | 8 hours |
| Paternity leave | 8 hours |
| Compensatory Leave for Overtime worked | as authorized |

7. Leave Without Pay:

- a. Leave without pay is a temporary non-pay status granted at the request of the employee and approved by the Director of the Office of Administration.
- b. A Leave Request Form (EC-LR-01) must be submitted to the Head of Office or Head or Chief of Section for approval. Forms approved by the Head of Office or Head or Chief of Section shall be submitted to the Chief of Personnel Section for comment. The form shall then be sent to the Director of the Office of Administration for approval.
- c. Leave without pay may be granted for the following specific reasons:
- in case of serious illness, injury or maternity when all accrued annual and sick leave have been used;
 - full-time study in a field related to the employee's official duties;
 - personal emergencies when all other leave is exhausted.
- d. Leave without pay is granted for no more than 30 calendar days, except for cases where leave without pay is granted after all sick leave and annual leave has been exhausted due to illness, injury or maternity of the employee. Such exceptions may be recommended by the Chief of Personnel Section and may be approved by the Director of the Office of Administration.

8. Absence Without Leave:

- a. Absence Without Leave is non-pay status and means any absence from duty which has not been approved by the employee's supervisor or Head of Office or Head or Chief of Section. The absence will be charged as Absence Without Leave, and pay will be forfeited for the entire period of such absence;
- b. Absence Without Leave may be charged to annual leave when the employee can offer a satisfactory explanation for the non-approved leave;
- c. If the employee is unable to justify his/her absence, the charge to Absence Without Leave will remain. In these cases, disciplinary action may be taken against the employee;
- d.. Absence Without Leave for a period of more than 30 consecutive calendar days, or a collective period of more than 45 calendar days in a period of 90 days, shall be considered as a resignation by the employee from the Office of Administration of the Extraordinary Chambers in the Courts of

Cambodia, and the employee will be deleted from the staffing table and pay system of the ECCC retroactively, with retroactive effect from the first day of Absence Without Leave. In such cases, the employee will forfeit all claims for remuneration or compensation of any kind from the ECCC.

CHAPTER 10

PERFORMANCE EVALUATION

A. GENERAL POLICY

1. Performance evaluation is an integral part of the Personnel Section program for ECCC employees. Performance evaluation shall be conducted for all National employees at least once a year. The Personnel Section shall develop the criteria, format and procedure for the conduct and documentation of Performance Evaluations.

2. Recommendations for extension of a Service Agreement shall be supported by performance evaluation results. Appropriate involvement of the supervisor and/or Head of Office or Head or Chief of Section, the Personnel Section and the employee in the performance evaluation process will ensure:

- Strengthening of the supervisor – employee relationship;
- Identification and discussion of work requirements;
- Development and discussion of work goals and objectives;
- Identification of training and other development needs;
- Recognition of outstanding performance;
- Correction of deficient work;
- Performance counseling and development of individual talent.

Responsibility of Head of Office or Head or Chief of Section

1. The statement of duties and responsibilities for an employee is normally the role of the Supervisor or Head of Office or Head or Chief of Section, whose responsibility it is to assign work to the employee whose work will be evaluated.

2. The Head of Office or Head or Chief of Section is responsible to:

- Explain to each employee the major duties and responsibilities of the position and performance requirements at the beginning of the evaluation period;
- Discuss the strengths and weaknesses and ways to improve performance;
- Give recognition for superior performance;
- Identify training needs;
- Take appropriate action regarding an employee whose performance does not meet expectations;

First Year of ECCC Activity

For the first year of ECCC activity (2006-2007), performance evaluation at the time of consideration for extension of appointment will be based on the Performance Evaluation Form (PER-11) first adopted by the Office of Administration.

Subsequent Years: Objective Setting for Performance Evaluation

For subsequent years of ECCC activity, performance evaluation will be based on a system of setting objectives to be accomplished by the employee. See Section C, below.

B. TYPES OF PERFORMANCE EVALUATIONS

There are two types of performance evaluations:

- **Regular:**

Regular performance evaluation reports are completed annually on a cycle timed to the employee's anniversary of employment with the ECCC.

- **Interim:**

Required: Interim performance evaluation reports are required two weeks before the end of a probationary appointment (3 months); mid-way (6 months) through the annual performance review cycle, and for any period of service of less than one year but more than 90 days when:

- the rating official departs;
- the employee departs;
- the duties and responsibilities of the employee change.

Optional: Interim performance evaluation reviews may take place more frequently than mid-way through the annual performance review cycle if a supervisor or Section Head or Chief wishes to have more frequent interim performance reviews.

C. EVALUATIONS BASED ON OBJECTIVES SET

1. Setting Objectives

a. A Personnel Section management best practice is to implement a performance evaluation process which is based on the setting of specific objectives to motivate, challenge and encourage employees and promote teamwork.

b. Each year, at the beginning of the 12-month Performance Review period, the supervisor and/or Head of Office or Head or Chief of Section will meet with an employee and discuss with the employee the objectives that the employee will be expected to achieve during the 12-month period.

c. Specific objectives must be appropriate for the employee's position and grade and consistent with the ECCC's substantive goals and objectives.

d. It is the responsibility of the supervisor and/or Head of Office or Head or Chief of Section to assure that each supervised employee understands clearly what is expected of him/her in the performance of his/her duties.

e. The agreed objectives for a performance review period will be written down and copies will be given to the employee, to the supervisor, and sent to the Chief of Personnel Section to be placed in the employee's personnel files.

2. Performance Evaluation

a. Personnel Section normally prepares a memo to a Head of Office or Head or Chief of Section 20 calendar days in advance when a Performance Evaluation is to be done, and submits the appropriate form (PER 11-A or PER 11-B) to the Head of Office or Head or Chief of Section for use in the evaluation exercise. Heads of Office or Head or Chiefs of Section may ask a staff member's direct supervisor to initiate the evaluation process.

b. The supervisor and the Head of Office or Head or Chief of Section will evaluate each subordinate employee's activities over a one-year period, using the Performance Evaluation Form (PER11- A), with interim reviews two weeks before the end of a probationary appointment (3 months) and mid-way through the year using Performance Evaluation Form PER 11-B.

c. However, Performance Review is not based on a schedule. Supervisors and managers should note the performance of each employee constantly, in order to guide and assist an employee to meet the defined objectives when such coaching is necessary, and in order to praise and encourage each employee as they carry out their assigned duties and responsibilities in a satisfactory manner. As part of this constant feed-back process, when performance seems to be below expected levels, the employee's supervisor must make recommendations to each employee on how best to improve the employee's performance and skills.

Interim Reviews

d Two weeks before the end of a three month probationary appointment and again six months after the annual objectives have been set, or at a shorter interval if the supervisor so decides, the supervisor will meet with the employee and discuss the employee's work and progress towards achieving the objectives set. Form PER 11-A, Evaluation of Performance for a Duration Less than One Year describing the supervisor's assessment and the employee's comments, if any, will be prepared by the supervisor and copies will be given to the employee, the supervisor, and placed in the employee's personnel files.

Annual Review

e. At the end of a year of service, the supervisor will meet with the employee and discuss the employee's work and progress towards achieving the objectives set for the year. The supervisor will make an assessment of the employee's performance by measuring performance against the objectives set for the reporting period, using bilingual Form PER 11- B. Ratings shall be based on an assessment of objectives exceeded, objectives achieved, only partially achieved, or not achieved. The employee may add comments if he/she wishes, and the Performance Evaluation will be signed by the Head of Office or the Head or Chief of Section if the supervisor is not the Head of Office or Head or Chief of Section. Both may make comments in the form if they so wish, and will sign the form.

Chief of Personnel Section Certification

f. The form will be sent to the Chief of Personnel Section, who will review it to note any problems, training needs, outstanding performance, etc. The Chief of Personnel Section will add any comments he may wish to offer, and sign the Performance Review Form and send it to the Director of the Office of Administration.

Official Rating by the Director of the Office of Administration

g. The Director of the Office of Administration is required to review all ECCC Performance Evaluation reports to ensure that the performance ratings are supported adequately in the direct supervisor's narrative summary and ratings.

h. Inconsistencies will be called to the supervisor's attention for review and, if necessary, further documentation and/or correction. The Director of the Office of Administration may recommend counseling to the supervisor and/or employee to avert the development of personnel problems.

i. The Director of the Office of Administration may add any comments he wishes to make before signing the Performance Evaluation form and returning it to the Personnel Section to be placed in the employee's file, with a copy of the completed form sent to the rated employee and his/her supervisor and/or the Head of Office or Head or Chief of Section.

D. PERFORMANCE EVALUATION FORM

There are two bi-lingual forms for Performance Evaluation report forms:

PER 11-A for Interim Reviews
PER 11-B for Annual Reviews.

E. PERSONNEL ACTIONS

1. Upon the receipt of an employee's Personnel Evaluation Form duly signed by all responsible officials as set out in Section D, above, and upon request of the Section Head or Chief or Head of Office, Personnel Section will process an appropriate personnel action, such as extension of service agreement or non-extension and separation of the staff member from the ECCC staff, and will update the duties and responsibilities of the employee based on the recommendations of the employee's supervisor.

2. Personnel Section will not process a personnel action until a Performance Evaluation Form is actually received.

CHAPTER 11

CONDUCT AND EMPLOYEE RESPONSIBILITIES

A. PURPOSE

1. The ECCC requires from its employees a high standard of professional integrity, moral character and dependability. All ECCC employees are expected to conduct themselves in a manner that will reflect favorably upon the ECCC and themselves. This applies to both on and off duty conduct.
2. All ECCC employees must observe the rules listed below and failure to do so may result in disciplinary action, including immediate separation with cause.

B. OUTSIDE EMPLOYMENT AND OTHER ACTIVITIES

An employee shall not engage in outside employment or other outside activities that conflict with duties and responsibilities of ECCC employment.

C. FINANCIAL INTERESTS

1. No ECCC employee shall have direct or indirect financial interests which conflict, or appear to conflict, with the duties and responsibilities of the Extraordinary Chambers in the Courts of Cambodia or its Office of Administration.
2. No ECCC employee shall engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through ECCC employment.

D. ECCC PROPERTY

1. An employee shall not, directly or indirectly, use or allow the use of ECCC property of any kind for other than officially approved activities.
2. An employee has a duty to protect and conserve ECCC property, including equipment, supplies, and other properties.

E. MISUSE OF INFORMATION

1. No employee shall be, directly or indirectly, allowed to use official information obtained through or in connection with his/her ECCC

employment that has not been made available to the general public for the furthering of that employee's private interests.

2. An employee may not release information to non-ECCC employees, including such information as the ECCC telephone directory, compensation plan, and personal or other official documents without official, written permission.

3. All correspondence to the public, press, or other organizations, entities or persons must be cleared through the supervisor and/or Section Head or Chief, Public Affairs Section, and the Director of the Office of Administration of the ECCC.

F. MISUSE OF POSITION

An employee shall not use his/her position for his/her private gain or the private gain of friends, relatives or any other person.

G. MISUSE OF OFFICIAL TIME

1. Unless authorized in accordance with the law or regulations to use official time for other purposes, an employee shall use official time exclusively in an honest effort to perform official duties.

2. An employee shall not encourage, direct or request a subordinate to use official time to perform activities other than those required in the performance of official duties.

H. TRANSMITTING COMMUNICATIONS

An employee shall not act as an agent for the transmission of communications from private persons or organizations to officials in the ECCC.

I. ETHICAL CONDUCT

The following principles of ethical conduct apply to all ECCC National staff:

1. Employees shall not hold financial interests that conflict with the conscientious performance of their official duties.
2. Employees shall not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or whose interest may be substantially affected by the performance or non-performance of the employees' duties.
3. Employees shall not solicit or accept any gift, payment or other item of monetary value from any person employed by, or seeking employment by, the ECCC.
4. Employees shall not make unauthorized communications or promises of any kind purporting to bind the ECCC.
5. Employees shall not use public office for private gain.
6. Employees shall disclose waste, fraud, abuse and corruption to the appropriate authorities.
7. Employees shall adhere to all laws and regulations that provide equal opportunity for all regardless of race, color, political or religious affiliation, sex, national origin, age or handicap.
8. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or these standards of ethical conduct.

CHAPTER 12

DISCIPLINARY ACTION

A. GENERAL POLICY

1. All ECCC employees are expected to maintain the highest standards of honesty, integrity and impartiality and avoid misconduct or conflicts of interest.
2. ECCC employees are expected to observe the conditions of employment as contained in this ECCC Personnel Handbook. Failure to meet these criteria will be dealt with according to measures outlined herein.

B. OBJECTIVES

1. The primary objective of disciplinary action is to correct and rehabilitate, not to punish and penalize, so emphasis will be placed on effective employee-management relations to prevent the development of an untoward situation.
2. Normally, disciplinary measures will be applied in an effort to rehabilitate employees before deciding to remove them. Removal actions for misconduct generally are preceded by such progressive disciplinary actions as oral admonishment, official written reprimand, and suspension unless the misconduct is so serious that a violation of rules and regulations is obvious.
3. In a security risk case, removal action may be taken immediately.

C. TYPES OF DISCIPLINARY ACTION

1. Oral Admonishment:

This is the means to provide a verbal warning to prevent future occurrences of a minor infraction or misconduct.

- a. When a supervisor has evidence of a minor infraction or misconduct on the part of an employee, the following actions should be taken:
- b. The supervisor first gathers pertinent facts, and discusses the matter with the employee, in person.
- c. The supervisor clearly states the reason for the admonishment so that the employee fully understands and has the right to express his/her views and provides an explanation.

d. If the explanation is not acceptable to the supervisor, the supervisor explains the reasons why and points out specific ways in which the employee can improve or correct the deficiency.

e. The supervisor must document the oral admonishment in a memorandum to the employee's file in the Personnel Section, to be retained for a minimum of one year.

2. Written Reprimand:

This means a formal written warning to rebuke, censure or register disapproval of a specific action or actions by an ECCC employee. A copy of the written reprimand will be kept permanently in the employee's official personnel file.

a. A written reprimand may be administered for a first-time offense deemed more serious than those warranting an oral admonishment, or if an employee's inappropriate behavior continues after an oral admonishment.

b. The direct supervisor must meet in person with the employee and clearly state the reason for the reprimand.

c. After discussion with the employee, if the explanation is not acceptable to the supervisor, the supervisor explains the reasons why, and the supervisor prepares a Letter of Reprimand for submission to the Director of the Office of Administration and clears it through the Chief of Personnel Section. The major factors that must be stated in the Letter of Reprimand are:

- The cause of the Reprimand, with full details concerning the time, place and circumstances of the alleged offence;
- Whether the employee has been disciplined or admonished for the same or similar offences;
- A statement saying the Letter represents an official reprimand and a copy of the Letter will be kept permanently in the official Personnel File;
- A warning that further misconduct may lead to other disciplinary measures;

- A statement that the employee has the right to appeal to the Director of the Office of Administration through the Chief of Personnel Section.

d. The employee has the right to submit a written reply within 10 calendar days to the supervisor with a copy to the Chief of Personnel Section and the Director of the Office of Administration. The supervisor must respond to the written reply within 10 calendar days of receipt of the letter from the employee.

e. If the supervisor decides that the reply does not sufficiently justify the misconduct, the employee has the right to submit a written appeal within 10 calendar days to the Director of the Office of Administration for a final decision. The employee loses his/her right of appeal if it is not filed within the time limit.

f. The Director of the Office of Administration will write an official decision on the appeal within 10 calendar days. If the decision confirms the disciplinary action, the Letter of Reprimand will be considered final and placed permanently in the employee's official personnel file.

g. If the decision of the Director of the Office of Administration does not confirm the disciplinary action of Letter of Reprimand, the employee will be notified in writing and the Letter of Reprimand and all related documents will be removed from the employee's personnel file. The Director of the Office of Administration may, on the basis of the information submitted with the proposal to issue a Letter of Reprimand, decide that while a Letter of Reprimand is not warranted in the case, a disciplinary action in the form of an Oral Admonishment is justified, and the Director may instruct the supervisor to issue an Oral Admonishment and place the relevant document on the employee's personnel file for one year.

3. Suspension:

This action forces the employee from the job and deprives him/her of pay for a specified period of time. Suspension is requested by the supervisor when misconduct is serious enough to require disciplinary action more severe than a Reprimand but not so serious as Separation. A suspension is normally for a period of 3 to 10 working days, except in special cases the period may be longer.

a. If the first offense is a serious infraction, the supervisor may recommend suspension of the employee to the Chief of Personnel Section.

b. Suspension may also be recommended after two or more Oral Admonishments and/or Written Reprimands to the employee. The employee

must be informed of the reason for the proposed Suspension and be allowed to express his/her views or offer explanations.

c. The Chief of Personnel Section will prepare a Letter of Suspension for the approval and signature of the Director of the Office of Administration. The letter must include a written statement detailing the facts (time, place, circumstance of the alleged offence).

d. The Letter of Suspension must include a statement that the employee has the right to request an appeal to the Director of the Office of Administration through the Chief of Personnel Section.

e. The procedure for appealing a Letter of Suspension is the same as the procedure for Written Reprimands, set out in paragraphs d, e, f and g of Section 2, above.

4. Removal

Removal is the most severe disciplinary action and calls for separating the employee permanently from his/her ECCC employment.

a. The facts and circumstances in each individual case must be carefully analyzed and must support the conclusion that the employee has clearly demonstrated his/her unwillingness or refusal to conform to the rules and standards of conduct of the ECCC before Removal is initiated.

b. Normally, a progression of disciplinary measures will be applied in an effort to rehabilitate an employee before a determination is made to Remove him/her, but in severe cases, Removal may be the appropriate disciplinary action against an employee, whether or not there have been any previous disciplinary measures against the employee.

c. When for reasons of security, protection of files and computer files, preservation of evidence, or prevention of intimidation of other employees, it is necessary to remove an employee from the ECCC offices immediately while a Removal action is undertaken, the employee may be suspended from duty with pay immediately to allow the administration to carry out the steps of the Removal process, but this suspension with pay cannot exceed the period set out in this Handbook for all reviews and appeals in the Removal process.

d. When the facts and circumstances lead to the conclusion that Removal is justified and necessary, the employee must be given notice by the Chief of Personnel Section of the proposed Removal. This notice will contain:

- A specific description of the misconduct including time, place and circumstances;
 - A specific statement of any past misconduct, including descriptions of past misconduct and measures taken to bring about corrective action in the employee's behavior, or in the absence of a record of previous misconduct, a statement of the reasons why the current offense is so serious as to warrant Removal rather than a lesser disciplinary action.
- e. The employee will have 10 calendar days to file a request for an appeal to the Director of the Office of Administration. If the Director of the Office of Administration accepts the request for appeal, the Director will create an Appeal Panel to review the case. The Appeal Panel will consist of the Chief of Personnel Section (Chair of the Panel and Representative of the Director of the Office of Administration), the immediate supervisor of the employee and, if the immediate supervisor is not the Head of Office or Head or Chief of Section, the Head of the employee's Office or Head or Chief of the employee's Section, and one other Head of Office or Head or Chief of Section.
- f. The Appeal Panel will hold hearings, and will invite the employee to present his/her appeal against Removal from the ECCC staff. The Appeal Panel may hear any other witnesses they wish to interview, and will examine all relevant files and documents. The Appeal Panel will make its report to the Director of the Office of Administration, indicating clearly whether the Panel upholds the Removal of the employee from the ECCC, or whether the Panel recommends some other disciplinary action in the case, or whether the Panel finds the employee without fault and therefore no disciplinary action should be taken.
- g. The Director of the Office of Administration will notify in writing the Chief of Personnel Section of his decision, and the Chief of Personnel Section will notify the employee in writing of the outcome of his/her appeal.
- h. The Chief of Personnel Section will undertake all necessary administrative steps to implement the decision of the Director of the Office of Administration, and will place all documents permanently on the employee's personnel file.

DATE: 2 AUGUST 2007