Terms of Reference for UNDP Compliance Review Bodies

Section I: Compliance Review Bodies

Background

1. Pursuant to Staff Rule 4.15, to ensure compliance with recruitment and selection rules, policies and processes by hiring units, the Administrator has established UNDP Compliance Review Bodies (hereinafter referred to as “CRBody” or “CRBodies”) as follows:

(a) A Compliance Review Board (CRB) at Headquarters; and
(b) Compliance Review Panels (CRP) at Headquarters locations and in Country Offices, Regional Centres and other non-Headquarters locations.

2. The Compliance Review Board replaces the Appointment Board (formerly the Appointment and Promotion Board) and the Compliance Review Panels replace the Appointment Panels (formerly known as the Appointment and Promotion Panel and Local Appointment and Promotion Panels).

Regulatory Framework

3. The UNDP CRBodies have similar composition and functions as the Central Review Bodies referred to in Staff Rule 4.15 (c) which provides: “Executive heads of programmes, funds and subsidiary organs of the United Nations to whom the Secretary-General has delegated appointment and promotion functions may establish advisory bodies to advise them in the case of staff members recruited specifically for service with those programmes, funds or subsidiary organs. The composition and functions of such advisory bodies shall be generally similar to those of the central review bodies established by the Secretary-General.”

4. Staff Rule 4.15 (h) provides: “The central review bodies shall advise the Secretary-General on all (Fixed Term) appointments of one year or longer and on the promotion of staff after such appointment.”

5. Selections are based on Staff Regulation 4.2 which provides that “The paramount consideration in the appointment, transfer, selection/promotion of staff shall be the necessity for securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible”.

Mandate of the Compliance Review Bodies

6. Staff Rule 4.15 h (ii) provides that: “The central review bodies shall review the process for compliance with the pre-approved selection criteria and shall offer recommendations.” The UNDP CRBodies are advisory bodies making recommendations to the Administrator and, through delegated authority, to designated hiring managers, on the processes leading to selection decisions for advertised FTA posts.

7. CRBodies check the compliance of the selection process with the applicable staff rules, the UNDP Recruitment and Selection Framework, related policies and the pre-approved selection...
criteria and advise the relevant appointing authority if a recommended candidate was identified according to these standards.

8. CR Bodies are required to review the following aspects of the selection process, paying particular attention to (a) and (b):

(a) Consideration given to the qualifications, demonstrated competencies and performance of the candidates in relation to the stated criteria of the post;

(b) Consideration given to internal candidates and the application of the order of retention in the case of UNDP staff affected by the abolition of their posts or reduction in staff;

(c) Considerations with respect to geographic diversity and gender parity within the hiring unit;

(d) Evidence of reference checking, including the consideration given to the past experience, and the RCA or Performance Assessments;

9. UNDP selection processes submitted to the CR Bodies’ for review must comply with the UNDP Recruitment and Selection Framework and the related policies. However, CR Bodies may be requested to review and endorse selection processes on behalf of other organizational partners. These partners may have recruitment and selection policies and procedures that differ somewhat from UNDP’s. The CR Bodies may review such cases providing that the applicable policies and procedures are spelled out in a specific Memoranda of Understanding, Donor agreement or Inter-agency arrangement in advance of the submission. In no case is a CR Body required to approve or endorse any submission for appointment or promotion that, in its judgment, significantly deviates from or violates the UN Staff Rules or the six fundamental principles described in UNDPs Recruitment and Selection Framework. In such cases, the hiring unit will provide the relevant documentation to the CR Body accordingly and provide a briefing on any procedural differences.

10. Where there is adequate capacity, CR Panel at one location may also be requested to review and endorse selection processes on behalf of Country Offices or Regional Centres where local bodies may not have been set up at the time of selection.

Process

11. Hiring managers submit the documentation related to the selection process using a specific CRP or CRB Submission form and give the requested details on a recommended candidate. When more than one candidate has successfully passed the selection process, a hiring manager may submit one or more additional alternate candidates. However, Hiring Managers are accountable for indicating a primary candidate and make a valid business case for the preference expressed in cases where multiple successful candidates exist.

12. The CR Body will consider the primary candidate first. Alternate candidates are always reviewed by the CR Body but they are given consideration for selection only when the primary candidate or the process for selection does not fully meet with specified policy or guidelines. (The CR Body is not a parallel recruitment and selection body.)

Alternate Candidates
13. An alternate candidate is a fully qualified candidate though secondary in the judgment of the Hiring Manager to the primary candidate.

As long as the recommended candidates, both primary and alternates, are suitable and their selection is found compliant, the CR Body is expected to endorse them.

14. If endorsed by the CRB, the alternate candidate may be:

(a) Appointed if the primary candidate is not endorsed or
(b) Appointed if the primary candidate withdraws his/her candidature or for any other reason becomes ineligible or unavailable for appointment
(c) Placed on a roster for future consideration against other similar vacancies

15. A CR Body may propose that the alternate candidate be offered the post over a primary candidate to achieve corporate objectives such as order of retention, gender or regional representation. However, the final decision as to which candidate the post should be offered remains with the Hiring Manager.

Results and Effect of the CR Body review

Results of a CR Body review

16. The review by the relevant CR Body may result in one of the following outcomes:

(a) Recommendation to endorse the primary and/or the alternate candidate for the vacancy;
(b) Request for further information to the hiring manager; or
(c) Recommendation not to endorse the proposed candidate(s) if deviations from due process were such that a different recommended candidate could have resulted.

17. In the case of (b), the relevant CRBody based on the additional information provided by the hiring manager may recommend to endorse or not endorse the recommended candidate(s).

18. The hiring manager is advised of the recommendation of the relevant CRBody. Only candidates endorsed by the relevant CRBody may be selected and appointed.

Effect of a CR Body recommendation

19. The final selection decision may involve:

(a) Initial appointments to UNDP on Fixed-Term Appointment (FTA); or
(b) Selection of UNDP internal candidates (i.e. UNDP staff on FTA or on Permanent Appointment (PA)) to advertised UNDP FTA posts, when such a selection entails for the selected internal candidate a move to a higher or (in exceptional circumstances) lower level post or from a change in category (e.g. NO or GS to P).

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1 The policy on the management of the rosters and the selection from rosters will be issued later.
20. When a UNDP staff member on PA is selected to a UNDP FTA post, he/she keeps his/her PA status.

21. UNDP staff members who are competitively selected for a higher level post and whose selection has been endorsed by the relevant CRBody are appointed at the budgeted and classified level of the post upon assumption of the higher level post, in accordance with the Rank-in-Post policy.

22. Candidates endorsed for selection by a CRBody will have the status of “internal candidates” upon appointment with UNDP, in accordance with Staff Rule 4.15.

**Exceptional overruling of the CRBody recommendation**

23. UNDP staff are appointed by the Administrator who may delegate this authority to the Associate Administrator, Bureaux Directors, Resident Representatives and Heads of certain offices, depending on the nature and level of the posts. A CRBody is an advisory body that reviews recruitment and selection processes resulting in recommended candidates for appointment and advises the hiring manager on these recommendations accordingly. It is expected that in virtually all cases, the recommendation of a CRBody will be followed. In the event that the hiring manager has compelling arguments to support his/her belief that it would not be in the interest of the Organization to follow the CRBody recommendation, he/she may request the CRBody to reconsider the case based on a properly documented resubmission.

24. The CRBody recommendation following the resubmission will be considered final. However, in highly exceptional cases, the hiring manager may request the exceptional overruling of the CRBody recommendation. For international FTAs, the final decision is made by the Associate Administrator upon recommendation by the Director, OHR/BOM. For local FTAs, the final decision is made by the relevant Bureau Director (or the Associate Administrator if the hiring manager is a Bureau Director) upon recommendation of the Director OHR/BOM. The final decision may be:

   (a) Either accepting the CRBody recommendation to appoint or not appoint accordingly;
   (b) Or overruling the CRBody recommendation and making the final appointment decision.

25. In either case, the final decision is communicated to the hiring manager for implementation and to the CRB for information, by OHR/BOM.2

**Section II: Headquarters Compliance Review Board (CRB)**

**Scope of application**

26. The UNDP CRB, administered at headquarters, reviews the selection processes for advertised UNDP international FTA posts from P-1 to the D-1 or P-6 level as indicated below.

27. The recommended candidates may be:

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2 This process describes the role of the CRB and authority of the Administrator and his/her representative in the appointing process. Staff members retain their rights under UNDPs administration of justice to appeal management decisions [link].
(a) UNDP staff members considered as internal candidates holding UNDP PA or FTA, recommended for advertised posts they have applied for, where such posts are one or more levels above their current grade level (in exceptional cases where it may occur this will apply to staff applying to positions below their grade level); this includes UNDP Local FTA, CA and PA staff from the General Service (GS) category or the National Professional Officer (NO) category, recommended for international FTA or PA appointments;

(b) UNDP staff members holding FTAs whose initial appointments on 200-series Staff Rules were not reviewed by the Appointment (and Promotion) Board (APB/AB);

(c) External candidates whose selection will constitute an initial appointment with UNDP on an International FTA; this includes UNDP staff holding Temporary Appointments (TA) or ALDs; this also applies to candidates selected for JPO/SARC-limited FTA and for the LEAD programme, in accordance with the applicable policies;

(d) External candidates recommended for placement to Candidate Pools in accordance with the Selection and Reassignment Policy for International Rotational Posts.

28. The CRB is not involved in the review of:

(a) Selection decisions for International Temporary Appointments (TA) since such appointments do not require review by CRB;

(b) Temporary assignments, detail assignments and other moves to posts not advertised pursuant to Staff Regulation 1.2 (c);

(c) Selection for International FTA resulting in lateral moves, except when the internal candidate recommended did not have his/her initial 200-series appointment reviewed by the Appointment (and Promotion) Board (see paragraph 19 (b) above);

(d) Selection decisions to D2/P7 posts;

(e) Selection decisions of Resident Representatives/Resident Coordinators; nor

(f) Selection decisions for International FTA for staff of other UN entities, including staff administered by UNDP on behalf of those UN entities.

Exceptional overruling of the CRB recommendation

29. In the exceptional cases where a hiring manager requests the overruling of the HQ CRB recommendation for an international professional post the conditions of paragraphs 23 through 25 apply. Additionally, a properly documented request must be submitted to the Director OHR/BOM for recommendation to the Associate Administrator for final decision as follows:

a) For an international FTA post, the recruitment of which is centralized at headquarters, the request must be submitted by the relevant Bureau Director;

b) For an International FTA post, the recruitment of which is decentralized and for which the selection decisions are delegated to the Resident Representatives or the Directors of
the Regional Service Centres, the request must be supported by the relevant Bureau Director before submission to the Director OHR/BOM.

**Composition and Procedure**

30. The UNDP CRB is comprised of active UNDP staff members on PA and FTA, appointed by the Administrator. Membership is constituted in accordance with Staff Rule 4.15 wherein the members are nominated by senior management and by the duly elected staff representatives in equal numbers for final appointment by the Administrator.

31. As the review of the cases is primarily done electronically, the CRB members may be assigned to any duty station and must be at the P4 level or higher. However, the Chairpersons and Alternate Chairpersons will preferably be stationed in New York and must be at the P5 or higher level. A member of OHR will serve as ex-officio. See the UNDP CRB Rules of Procedure [link] for the complete description of CRB composition and procedure.

**Section III: Compliance Review Panels (CRP)**

**Scope of application**

32. UNDP CRP at headquarters locations, Country Offices, Regional Centres and other non headquarters locations, are constituted by the relevant head of office under the delegated authority of the Administrator (see the UNDP CRP Rules of Procedure for the complete description of CRP composition and procedure).

33. UNDP CRP review the selection processes for advertised UNDP local FTA posts from G1 to G7 and NOA to NOD levels as indicated below.

34. The recommended candidates may be:

   (a) UNDP staff members considered as internal candidates holding UNDP Permanent Appointments (PA) or Fixed-term Appointments (FTA), recommended for advertised posts they have applied for, where such posts are one or more levels above their current grade level (in exceptional cases where it may occur this will apply to staff applying to positions below their grade level);

   (b) External candidates whose selection will constitute an initial appointment with UNDP on an FTA; this includes UNDP staff holding Temporary Appointments (TA) or ALDs; and

   (c) Candidates for posts with other UN organizations with whom it has been established that the CRP has authority to review (see Rules of Procedure for more information on CRP review of non UNDP staff).

35. The CRP is not involved in the review of:

   (a) Selection decisions for Local Temporary Appointments (TA);

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3 Until 31 December 2010.
(b) Temporary assignments, detail assignments and other moves to posts not advertised pursuant to Staff Regulation 1.2 (c); and

(c) Selection of internal candidates to FTA local posts resulting in lateral moves.

**Exceptional overruling of the CRP recommendation**

36. In the exceptional cases where a hiring manager (i.e. the Resident Representative, the Director of a Regional Service Centre or the Head of an office outside New York) requests the overruling of the CRP recommendation (see paragraph 22 above), the properly documented request must be submitted to the Director OHR/BOM for recommendation to the relevant Bureau Director for final decision. If the hiring manager is a Bureau Director, the request is submitted to the Director OHR/BOM for recommendation to the Associate Administrator for final decision.