



DIRECTIVE NO. 2001/9

**ON AMENDING DIRECTIVE 2000/4 OF 20 JUNE 2000 ON THE TERMS OF
EMPLOYMENT OF PUBLIC SERVANTS**

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United National Security Council Resolution 1272 (1999) of 25 October 1999, as reaffirmed in United Nations Security Council Resolution 1338 (2001) of 31 January 2001,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation No. 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

Taking into account UNTAET Regulation No. 2001/2 of 16 March 2001 on the Election of a Constituent Assembly to prepare a Constitution for an Independent and Democratic East Timor, UNTAET Notification of 9 June 2001 on the Declaration of the Date of the Election of a Constituent Assembly, and of the Date of Commencement of the Campaign Period (hereinafter: the Notification) and UNTAET Regulation No. 2000/03 of 20 January 2000 on the Establishment of a Public Service Commission,

For the purpose of amending UNTAET Directive 2000/4 of 30 June 2000 on the Terms of Employment of Public Servants with respect to:

- (i) the granting of Extraordinary Leave, and
- (ii) Special Rules of Conduct,

applicable to Public Servants participating in the electoral campaign for the election of a Constituent Assembly,

Promulgates the following:

Section 1

Section 1 of Directive No. 2000/4 is amended by adding the following definitions:

“[...]

(o) “Extraordinary Leave” means leave, other than Annual Leave, taken by Public Servants for purposes of participating in the activities of the electoral campaign referred to in Section 2 of the Notification, as provided in Section 5 of the present Directive;

(p) “Unpaid Extraordinary Leave” means the period of Extraordinary Leave for which the Public Servant shall not be paid his or her wages as provided in Section 14 of the present Directive or any other benefits or allowances resulting from his or her employment with the East Timor Administration;

(q) “Public Servant” means both Employees and Heads of Departments.”

Section 2

Directive No. 2000/4 is further amended by adding the following Sections:

“Section 5-A

Extraordinary Leave for Purposes of Participating in the Electoral Campaign

5-A.1 Public Servants participating as candidates in the electoral campaign referred to in Section 2 of the Notification shall be entitled to take up to six weeks Extraordinary Leave, paid or unpaid or a combination thereof, for purposes of participating in the electoral campaign activities.

5-A.2 Extraordinary Leave may only be taken within the period of 15 July 2001 to 30 August 2001 inclusive.

5-A.3 Paid Extraordinary Leave shall be considered as an advance of Annual Leave as provided in Section 5 of the present Directive at the rate of one (1) day of Extraordinary Leave per each day of Annual Leave.

5-A.4 Notwithstanding Section 5.4 of the present Directive, where a Public Servant who has taken paid Extraordinary Leave, resigns his or her position as a Public Servant prior to having accrued Annual Leave sufficient to cover Extraordinary Leave taken, he or she shall reimburse the Government in an amount equivalent to the salary paid thereto in respect of the days of Extraordinary Leave taken.

5-A.5 In the event of a non-reimbursement by the Public Servant of any amount owing under Section 5-A.3, a cause of action may be exercised against him or her.

5-A.6 Subject to Section 14-A of the present Directive, all Public Servants engaged in the electoral campaign activities who choose not to take leave may only engage in any political or electoral campaign activities outside of their regular hours of work or, in the case of the Shift Employees or Employees who are required to work Overtime, within their daily or weekly rest periods.

5-A.7 Subject to Section 14-A.4 of the present Directive, the time spent on Extraordinary Leave taken in accordance with the previous provisions, shall be considered for purposes of seniority and the Public Servant’s right to his or her position shall not be affected.

Section 14-A

Special Rules of Conduct for Public Servants Participating in the Electoral Campaign

14-A.1 Public Servants engaged in the electoral campaign shall not use government offices, facilities, equipment or means of transport for political or electoral campaign-related activities.

14-A.2 A Public Servant must, at all times, perform her or his duties as a Public Servant in an impartial, politically neutral and professional manner.

14-A.3 In the performance of his or her duties as a Public Servant, the Public Servant shall not discriminate in favor of or against any person for reason of that person being a supporter or an opponent of any political party or candidate.

14-A.4 In the event a Public Servant participating as a candidate in the electoral campaign referred to in Section 2 of the Notification is elected as a member of the Constituent Assembly he or she must immediately resign from his or her position as a Public Servant.

Section 14-B

District Administrators and Deputy District Administrators

The District Administrators and Deputy District Administrators appointed by the Transitional Administrator shall not engage in any political or electoral campaign-related activities unless they take leave as provided in Section 5-A of the present Directive no later and immediately preceding their first electoral campaign-related activity and until the completion of the last political or electoral campaign-related activity related to them.

Section 14-C

Dismissal

A Public Servant who does not comply with any rule provided in Sections 5-A, 14-A and 14-B of the present Directive may be subject to dismissal or such lesser measure as may be decided by the Transitional Administrator, in consultation with the Public Service Commission.”

Section 3

The present Directive shall have effect as from 15 July 2001.

Sergio Vieira de Mello
Transitional Administrator