



UNTAET/DIR/2000/4
30 June 2000

DIRECTIVE NO. 2000/4

ON THE TERMS OF EMPLOYMENT OF PUBLIC SERVANTS

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

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. 2000/3 On the Establishment of a Public Service Commission of 20 January 2000,

Promulgates the following:

Section 1
Definitions

In the present Directive:

- (a) "Daily rate of wages" means the monthly rate of wages divided by 21.74.
- (b) "Employee" means a provisional or regular employee of the East Timor Administration excluding exempt employees;
- (c) "Essential employee" means an employee designated as such by a Head of Department;
- (d) "Exempt employee" means an employee of the East Timor Administration who is exempted from one or more of the terms of the present Directive;
- (e) "Head of Department" means a person named as a Head of Department by the Transitional Administrator or his/her delegate;
- (f) "Hourly rate of wages" equals the monthly rate of wages divided by 173.92;
- (g) "Junior employee" means an employee paid at Level 1, Level 2, Level 3, Level 4

or Level 5 of the permanent salary scale (Schedule A) or an employee paid at Level 1, Level 2, Level 3 of the UNTAET Stipend Scale (Schedule B).

(h) "Provisional employee" means a person contracted to work by the East Timor Administration for a limited or indefinite duration commencing before 1 July 2000;

(i) "Permanent employee" means a person contracted to work by the East Timor Administration on or after 1 July 2000 for a term exceeding one (1) year;

(j) "Overtime" means extra hours of work employees are required to work outside the regular hours of work;

(k) "Regular employee" means a person contracted to work by the East Timor Administration on or after 1 July 2000;

(l) "Seniority" means the length of employment service with the East Timor Administration;

(m) "Shift employee" means an employee whose hours of work change according to a fixed schedule based upon the particular requirements of the position held and which, therefore, may not coincide with the regular hours of work established for employees;

(n) "Temporary employee" means a person who is contracted to work by the East Timor Administration on or after 1 July 2000 for a term of limited duration of one (1) year or less.

Section 2 Regular Hours of Work

2.1 The regular hours of work for employees, other than shift employees, shall be from 7:30 a.m. to 12:00 Noon and from 1:30 p.m. to 5:00 p.m., Monday to Friday.

2.2 Heads of Department may adjust the regular hours of work as defined in Section 2.1 of the present Directive according to the exigencies of their respective departments, provided that no employee, other than shift employees, shall be required to work more than forty (40) hours per week.

2.3 Heads of Department may require shift employees of their respective departments work more than forty (40) hours per week, provided that such shift employees shall not work more than forty-two (42) hours per week on average.

Section 3 Rest Periods

Employees shall be entitled to a weekly rest period of forty-eight (48) consecutive hours.

Section 4 Official Holidays

4.1 Non-essential employees shall not be required to work on the following

Official Holidays promulgated by the Transitional Administrator in his Executive Order No. 2000/1. Official Holidays shall be deemed paid holidays.

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| (a) | 1 January | New Year's Day (Solemnity of Santa Maria, Mother of God); |
| (b) | Variable | Good Friday; |
| (c) | 1 May | Labour Day; |
| (d) | 15 August | Assumption Day; |
| (e) | 30 August | Consultation Day; |
| (f) | 20 September | Liberation Day; |
| (g) | 1 November | All Saints' Day; |
| (h) | 12 November | Santa Cruz Day; |
| (i) | 8 December | Immaculate Conception; |
| (j) | 25 December | Christmas Day |

4.2 Essential employees who are required to work on an official holiday shall be entitled to one (1) extra day of paid leave or, in the alternative, shall receive one (1) work day's wages in addition to their regular wages.

Section 5 Annual Leave

5.1 Regular employees are entitled to a maximum of twelve (12) days of paid annual leave during each calendar year, earned at the rate of one (1) day for each complete calendar month of employment.

5.2 Annual leave shall be taken during the calendar year in which it is earned.

5.3 Notwithstanding Section 5.2 of the present Directive, in exceptional circumstances, an employee may, with the approval of his/ her Head of Department, carry forward a maximum of twelve (12) days of unused annual leave to the following year. Leave so carried forward shall be used during the first half of the following year without combining with the leave entitlement for that year.

5.4 On the resignation, retirement or termination, every employee shall receive the current daily rate of wages for each unused day of annual paid leave such employee is entitled to. Such employee shall have no other entitlement with respect to unused annual leave.

Section 6 Sick Leave

6.1 Employees are entitled to a maximum of eighteen (18) days of paid sick leave

during each calendar year, earned at the rate of one-half (1.5) days per complete calendar month of employment.

6.2 When an employee is absent due to illness or injury for more than three (3) consecutive days, he or she shall provide a medical certificate for such absence from a health care worker approved by the Department Head concerned.

6.3 Employees may carry forward to the following year a maximum of eighteen (18) unused sick days.

6.4 At the end of each calendar year, a permanent employee may convert a chosen portion of his/ her unused sick leave to cash at the rate of fifty percent (50%) of the daily rate of wages he/ she is entitled to.

Section 7 Special Leave

7.1 Regular employees are entitled to a maximum of three (3) days of paid special leave during each calendar year, earned at the rate of one quarter (0.25) days per complete calendar month of employment.

7.2 Special leave may be utilized for funerals, professional appointments, school appointments and similar activities, subject to the approval of the Head of the Department concerned

Section 8 Bereavement Leave

Employees are entitled to three (3) days of bereavement leave on the death of a spouse, parent or child.

Section 9 Maternity Leave

9.1 Female permanent employees are entitled to twelve (12) weeks of paid maternity leave upon the birth of each child.

9.2 Female permanent employees may begin a paid maternity leave, as defined in Section 9.1 of the present Directive, up to four (4) weeks prior to the expected birthdate of their child as certified by a health care worker approved by their respective Heads of Department.

9.3 A Head of Department shall approve additional unpaid maternity leave to a female employee upon the certification of the medical necessity for such additional leave provided by a health care worker approved by such Head of Department.

9.4 During the legal absence from work while on paid or unpaid maternity leave, as defined in Sections 9.1, 9.2 and 9.3 of the present Directive, the seniority rights of the female employee concerned shall be preserved, and such employee shall have the right to be re-instated in her former position of employment or in an equivalent position compensated at the same rate of wages.

9.5 During the legal absence from work while on paid or unpaid maternity leave, as defined in Sections 9.1, 9.2 and 9.3 of the present Directive, no female employee shall be dismissed from the service of the East Timor Administration.

Section 10
Paternity Leave

Male permanent employees are entitled to five (5) days paid paternity leave beginning on the day of the birth of each child.

Section 11
Overtime

11.1 A Head of Department may require an employee to work overtime.

11.2 Employees, with the exception of junior employees, are not entitled to compensation for overtime except as otherwise provided in Section 4.3 of the present Directive.

11.3 Notwithstanding Section 11.2 of the present Directive, in exceptional cases, a Head of Department may, at his/ her discretion, grant reasonable compensatory time off to those employees who work overtime.

11.4 Junior employees shall be paid the hourly rate of wages times a factor 1.15 for each hour of overtime, or part thereof, worked during Monday to Friday.

11.5 Junior employees shall be paid the hourly rate of wages times a factor 1.30 for each hour of overtime, or part thereof, worked on a Saturday, Sunday or an Official Holiday.

11.6 A junior employee shall not be required or permitted to work more than thirty-five (35) hours of overtime during a calendar month.

Section 12
Travel Expenses

12.1 An employee who is required by a Head of Department to travel outside the district which is his/ her regular place of work shall be paid a travel allowance. The payment of such travel allowance shall be limited to fifteen (15) consecutive days.

12.2 The daily travel allowance shall be US Six and 60/100 Dollars (US\$6.60) for round trips from Dili to other districts and US Nine and 00/100 Dollars (US\$9.00) for round trips to Dili from the other districts, wherein the trip is completed on the same day.

12.3 The daily travel allowance shall be US Eleven and 00/100 Dollars (US\$11.00) for round trips from Dili to other districts and US Fifteen and 00/100 Dollars (US\$15.00) for round trips to Dili from the other districts when the trip is overnight.

Section 13
Relocation Allowances

Employees who are required to relocate to another district for a period of at least twelve (12) consecutive months at the request of a Head of Department in the interest of the

East Timor Administration, shall be paid an allowance equal to one (1) month's wages of the respective employee's regular wages.

Section 14

Wages

14.1 Regular employees shall be paid a monthly wage in accordance with their respective classification as set out in Schedule A, herein attached and incorporated by reference.

14.2 Provisional employees shall be paid a monthly wage in accordance with their respective classification as set out in Schedule B, herein attached and incorporated by reference.

14.3 The wages of employees who work less than a complete calendar month shall be pro-rated on the basis of the number of days of the month they have worked.

14.4 The administrative procedure for the payment of wages shall be established by the Public Service Commission in consultation with the Central Payment Office.

Section 15

Exempt Employees

Employees specified in Schedule C, herein attached and incorporated by reference, are exempted from the Terms of Employment defined in the present Directive.

Section 16

Entry Into Force

The present directive shall enter into force on 1 July 2000.

Sergio Vieira de Mello
Transitional Administrator

Schedule A
Permanent Salary Scale
1 July 2000

<u>Level</u>	<u>Title</u>	<u>Monthly Rate</u>	<u>Daily Rate</u>	<u>Hourly Rate</u>
Level 1	General Service	US\$ 85.00	US\$ 3.91	US\$ 0.49
Level 2	Basic Technician	US\$100.00	US\$ 4.60	US\$ 0.57
Level 3	Intermediate Technician	US\$123.00	US\$ 5.66	US\$ 0.71
Level 4	Senior Technician	US\$155.00	US\$ 7.13	US\$ 0.89
Level 5	Professional	US\$201.00	US\$ 9.25	US\$ 1.16
Level 6	Senior Professional	US\$266.00	US\$12.24	US\$ 1.53
Level 7	Manager	US\$361.00	US\$16.61	US\$ 2.08

Schedule B
UNTAET Stipend Scale
1 July 2000

<u>Level</u>	<u>Title</u>	<u>Monthly Rate</u>	<u>Daily Rate</u>	<u>Hourly Rate</u>
Level 1	Unskilled	US\$ 84.00	US\$ 3.86	US\$ 0.48
Level 2	Semi-Skilled	US\$108.00	US\$ 4.97	US\$ 0.62
Level 3	Professional	US\$154.00	US\$ 7.08	US\$ 0.89
Level 4	Supervisory	US\$230.00	US\$10.58	US\$ 1.32
Level 5	Manager	US\$345.00	US\$15.87	US\$ 1.90

Schedule C
Exempt Employees

The following categories of employees shall be exempted from the specified terms of employment of the present Directive:

<u>Positions</u>	<u>Exempted Sections</u>
Police Cadets	2, 3, 11, 12, 13
Police Assistants	2, 3, 11, 12, 13