

Personal Status Policy, Procedures and Guidelines

Introduction	<p>1. The “personal status” of a staff member is the terminology used to reflect his/her marital, partner, or parental status, or his/her role as the primary provider of financial support to eligible family members. Determination of personal status is fundamental to establishing salary and entitlements at single or dependency/family rates in accordance with the WHO Staff Regulations and Staff Rules adjusted, as necessary, to take into account special needs of UNAIDS.</p>
Purpose	<p>2. The purpose of this information note is to communicate the personal status policy, procedures and guidelines decided by the Executive Director to establish entitlements under the Staff Regulations and Staff Rules for staff members of UNAIDS.</p>
Guiding principles	<p>3. UNAIDS’ policy for determining the personal status of staff for the purposes of establishing entitlements is guided by the Staff Regulations and Staff Rules, in addition to the following principles:</p> <ol style="list-style-type: none"> a. Employment opportunities must be available to all staff members without discrimination on the basis of sex, gender, sexual orientation, or marital status; b. Personal status and entitlements should be determined in a transparent, fair and equitable manner; and c. Diversity among UNAIDS’ staff members promotes greater understanding, awareness and innovation.
Determination of personal status	<p>4. A staff member’s personal status will be determined or reassessed for the purposes of establishing his/her entitlements under the Staff Regulations and Staff Rules upon joining UNAIDS and at the point of any major life event (e.g., entry into a legally recognized marriage or domestic partnership, birth or adoption of a child, death of a recognized dependant, child reaching 18 years of age, child between the ages of 18 and 21 who is not or who ceases to be enrolled in full-time attendance at a school or university, physical or mental incapacity of a child, etc.). While the law of the country of nationality of the staff member is normally used as the point of reference in determining a staff member’s personal status for administrative purposes, spousal status will be determined in accordance with paragraph 6 below.</p> <p>5. It is the responsibility of every staff member to transmit any information which may affect his/her recognized personal status to Human Resources Management (HRM) no later than thirty (30) calendar days from the date of any change in circumstances. Payments or benefits provided to a staff member, for whom it is later determined that he/she was not eligible or entitled, will be recovered.</p>
Spouse for purposes of entitlements	<p>6. The status of spouse for the purposes of determining entitlements will be recognized for staff members who have entered into a marriage or domestic partnership legally recognized by a competent legislative authority. For practical purposes, spousal status is determined by reference to the law of the location where the marriage or domestic partnership was celebrated or registered.</p> <p>7. Following determination of the personal status of the staff member and recognition for the purposes of entitlements of a spouse, the determination of whether the spouse is a dependent spouse will be made in accordance with Staff Rule 310.5.1.</p>
Determination of entitlements	<p>8. For the purposes of dependency benefits, only one spouse will be recognized by UNAIDS. Where more than one spouse is legally recognized in the country of nationality, the staff member may elect which spouse to designate for dependency purposes. The names of the other spouses are recorded for Pension Fund purposes.</p> <p>9. A staff member who is legally separated may claim dependency benefits in respect of his/her spouse as long as the staff member continues to provide financial support to</p>

	<p>him/her in accordance with the Staff Rules and can provide UNAIDS with proof thereof.</p> <p>10. A staff member who is divorced or whose domestic partnership has been dissolved may not claim dependency benefits in respect of the former partner whom UNAIDS had considered as a spouse for the purposes of entitlements under paragraph 6 above.</p>
<p>Dependent child and secondary dependants</p>	<p>11. Following determination of the personal status of the staff member and recognition for the purposes of entitlements of a spouse, the determination of whether such status requires recognition of other eligible dependants will be made in accordance with:</p> <ol style="list-style-type: none"> a. The definition of dependent child, Staff Rule 310.5.2 and related policy; and b. The definition of secondary dependants (i.e., mother, father, brother or sister), Staff Rule 310.5.3 and related policy.
<p>Responsibilities of staff members and HRM</p>	<p>12. Staff members must provide satisfactory evidence of the personal status claimed. Depending on the status claimed, this may include, for example, a certificate of marriage or domestic partnership legally recognized by a competent legislative authority; certificates or other formal documentation issued by a competent legislative authority or court legally recognizing the birth or adoption of a child, death, divorce or separation. For dependency status of a spouse, salary statements and national tax returns verifying the exact period of employment and the gross occupational earnings from the exercise of trade, profession, business or other regular employment will be required. These documents will be retained in the staff member's records management folder.</p> <p>13. All documentation submitted is subject to verification and approval by HRM. An official translation of documentation into English or French may be required from staff members by HRM, where necessary.</p> <p>14. Supplemental information may also be sought by HRM from UN common system organizations and/or from the Permanent Delegation of the country where the marriage or domestic partnership was celebrated or registered to inform and/or advise whether the status claimed by the staff member is legally recognized under the applicable law with a view to granting staff entitlements and benefits arising from that status and to verify whether the documentation provided would be sufficient to establish such status.</p>
<p>Salaries and post adjustment</p>	<p>15. Following determination of the personal status of a staff member and recognition for the purposes of entitlements of a spouse as a dependent spouse, the staff member's salary and post adjustment will be paid at the dependency rate for staff in the professional and higher categories. A flat rate allowance may be payable to general service staff members with an eligible spouse in accordance with the applicable local salary scale.</p> <p>16. If both spouses are staff members of UNAIDS or if one is employed by another common system organization, and both are in the international professional category, each is paid salary and post adjustment and the allowances of the mobility and hardship scheme at the single rate (see Staff Rule 310.5.1.3).</p> <p>17. If one or both spouses are staff members of UNAIDS employed in the general service category, one spouse may remain a dependant of the other if the annual gross occupational earnings are below the annual limit provided by Staff Rules 310.5.1.1 and 310.5.1.2.</p> <p>18. Where there are dependent children:</p> <ol style="list-style-type: none"> a. only one spouse may claim dependency allowance in respect of their children; and b. dependency benefits will normally be paid to the spouse whose annual gross occupational earnings yield the higher amount.
<p>Dependency allowances</p>	<p>19. Dependency allowances are a social benefit payable to eligible staff members with respect to family members who are recognized by UNAIDS as dependants under Staff Rules 310.5.1 to 310.5.3. The rates and conditions for payment of dependency allowances differ for staff in the professional and higher categories from staff in the general service category.</p> <p>20. For staff members in the professional and higher categories, dependency allowances may be comprised of higher net salaries and allowances with respect to a dependent spouse, together with flat-rate allowances for children and secondary dependants. Professional staff members who have dependent children but no dependent spouse,</p>

	<p>qualify for the dependency rate of salary and allowances in respect of the first dependent child and the children's allowance is not paid for the first dependent child.</p> <p>21. For general service staff, dependency allowances are payable in the form of non-pensionable flat allowances on a duty station-by-duty station basis.</p> <p>22. To claim a dependants' allowance or request recognition for purposes of entitlements of a spouse, the staff member must provide UNAIDS with complete information regarding their family status through the self-service feature in the on-line ERP/GSM system.</p>
<p>Other allowances</p>	<p>23. Following verification and determination of the personal status of the staff member and recognition of a spouse for the purposes of entitlements, he/she will be granted the allowances given in respect of a spouse in accordance with Section 3 of the Staff Rules and applicable policy, including:</p> <ol style="list-style-type: none"> a. assignment grant; b. mobility, hardship and non-removal allowances; and c. repatriation grant. <p>24. In connection with payment of salary and allowances, due regard will be had, as appropriate, to the provisions set out in Section 13 of the Staff Rules on special conditions of employment for staff in posts subject to local recruitment, and applicable policy.</p>
<p>Travel</p>	<p>25. Following verification and determination of the personal status of the staff member and recognition of his/her spouse for purposes of entitlements, he/she will be granted the travel entitlements and benefits given in respect of a spouse and the spouse will be considered an eligible family member for purposes of travel at UNAIDS' expense in accordance with Section 8 of the Staff Rules, UNAIDS travel policies, and applicable e-Manual provisions, including for:</p> <ol style="list-style-type: none"> a. travel on appointment, transfer or separation and payment of travel expenses: UNAIDS will assist in the installation in the country of assignment. Please note, however, that the issuances of visas are governed by the relevant Convention on the Privileges and Immunities or Host Agreement/Basic Agreement. Host countries may decline to issue an entry visa or residence permit if the personal status recognized by UNAIDS for the purposes of entitlements is not recognized under their own laws. UNAIDS will make all reasonable efforts to assist the staff member to obtain an appropriate visa but, ultimately, it cannot guarantee that it will be possible. In those cases where a visa allowing for the installation of the spouse is not obtained, the staff member should contact Chief, HRM for advice as to the administration of the entitlements in respect of a spouse; b. shipment entitlements: Transportation of personal effects, removal of household goods, or lump sum relocation grant (lump sum in lieu of normal shipment entitlements); c. home leave; d. family visit (spouse visit); e. medical evacuation; and f. transportation of mortal remains.
<p>Insurance and social security</p>	<p>26. Following verification and determination of the personal status of the staff member and recognition of his/her spouse for purposes of entitlements, the spouse will be considered an eligible family member for purposes of social security benefits, to the extent that this is possible, in accordance with Section 7 of the Staff Rules and applicable policy, including for the purposes of:</p> <ol style="list-style-type: none"> a. Pension Fund, in accordance with its Regulations and Rules; b. Health Insurance; c. Accident and Illness Insurance; d. Compensation for Illness, Injury or Death attributable to service; and e. Grant in case of death. <p>27. A spouse recognized under this policy shall be considered a spouse also for the purpose of compensation under the Malicious Acts Insurance.</p>

**Security
evacuation
allowance and
travel**

28. In the event of a security evacuation, internationally-recruited staff members may be granted a security evacuation allowance in respect of eligible family members residing at the duty station. A recognized spouse will be considered an eligible family member for purposes of travel at UNAIDS' expense in accordance with UNAIDS' travel policies, and applicable e-Manual provisions.