

Addressing and Resolving Underperformance

A Guide for Managers

April 2011



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This guide will be updated and modified from time to time. Comments and suggestions for modification of provisions of this Guide or for additional provisions should be addressed to the Director, LDS, OHRM, Department of Management.

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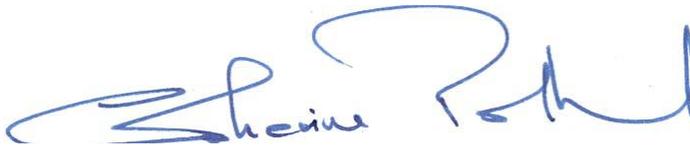
Dear Colleagues,

It is with pleasure that I introduce “Addressing and Resolving Underperformance – A Guide for Managers”. This new publication has been jointly developed by the Field Personnel Division, Department of Field Support and Office for Human Resources Management, Department of Management.

This Guide includes step-by-step checklists and questions and answers on communicating expectations, discussing performance problems and creating and managing performance improvement plans. It also gives advice on the manager’s role in motivating staff and providing them with an opportunity to improve their performance. The Guide also contains advice on both the formal and the informal procedures available to managers and staff to address performance shortcomings and assists managers in handling performance shortcomings in a way that affords staff members due process.

The Guide should be read in conjunction with existing policy, procedures and guidelines issued by the Office of Human Resources Management, in particular ST/AI/2010/5, *Performance Management and Development System* and ST/AI/2010/5 Corr.1.

We are committed to being your partners in the process of Performance Management and Development and we trust you will find this publication useful.



Catherine Pollard
Assistant Secretary General for Human Resources Management

Introduction

What is the purpose of the UN Performance Management and Development System?

The purpose of the Performance Management and Development System is to improve the delivery of programmes by optimizing performance at all levels, which is achieved by:

- Promoting a culture of high performance, personal development and continuous learning
- Empowering managers and holding them responsible and accountable for managing their staff
- Encouraging a high level of staff participation in the planning, delivery and evaluation of work
- Recognizing successful performance and addressing underperformance in a fair and equitable manner

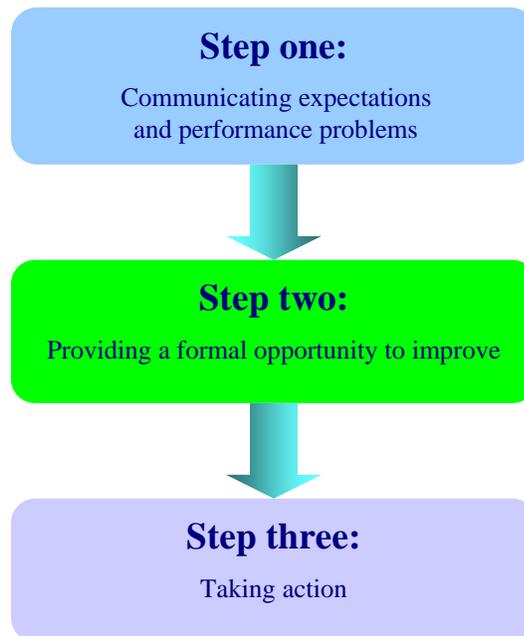
The Performance Management and Development System is designed to promote communication between staff members and supervisors on the goals and key results to be achieved and the success criteria by which individual performance is assessed. The system also promotes continuous learning, recognizes successful performance and addresses performance shortcomings (see ST/AI 2010/5).

What is the purpose of this Guide?

Most staff members work hard and their performance successfully meets and sometimes exceeds performance expectations. However, at times managers are faced with staff whose performance is marginal or inadequate. The purpose of this Guide is to help you address and resolve poor performance.

How should I use this Guide?

Addressing and resolving poor performance is a three-step process. These three steps are:



This Guide is organized into these three steps. Throughout, you will find checklists and answers to commonly asked questions.

Why should I address poor performance?

Dealing with performance problems is a real challenge for any manager. Experienced managers often say it is one of the toughest parts of their jobs. Nevertheless, it is a key managerial responsibility, and failure to address poor performance can have a greater impact than you may appreciate. Let us briefly discuss some of the reasons managers often give for not addressing poor performance.

Dealing with poor performance is time-consuming. My time is better spent managing productive staff members.

While dealing with poor performance can be time-consuming, failing to address poor performance sends a clear message to other staff members that you have unique standards for poor performers and that they do not need to meet your performance expectations. In performing their duties, staff are required to uphold the Charter of the United Nations, securing the highest standards of efficiency, competence and integrity. In this regard, ignoring poor performance is unacceptable. Poor performance usually gets worse over time — rarely does it correct itself without action on the part of the manager.

If I take action against one staff member, it will lower the morale of the others & create a less productive work environment.

Actually, taking such action can have just the opposite effect. Most staff members want and expect to be held accountable for their work and resent it when others do not “pull their weight.” Building a productive team can begin by setting clear expectations and addressing failure to meet those expectations.

Telling staff that they are not performing satisfactorily is unpleasant and requires special human relations skills.

Thankfully, very few individuals enjoy criticizing others. But as a result, most staff receive little or no feedback from their managers on performance shortcomings. Constructive counseling given early and regularly usually leads to performance improvement and eliminates the need to consider more formal action that is even more unpleasant. Providing such counseling does not require special skills. There are several points to remember, however, and they will be discussed in the next section.

The procedural steps involved in addressing poor performance are complex and highly technical.

Many performance problems can be addressed prior to undertaking any formal action. Furthermore, the procedural steps are quite straightforward. Those steps will be described later in this Guide.

Senior management will not support me if I do take action to address poor performance.

The same reasons it makes sense for you to address poor performance should make sense to your manager. Share this Guide with your manager!

What can I do to prevent poor performance?

The best way for managers to handle poor performance issues is to take action to avoid performance problems before they occur. Such preventive actions include:

- **Communicating clear performance goals and expectations to staff members. (Consider sharing your manager's performance expectations with your staff.)**

If staff members under your supervision do not understand what is expected, it will be very hard, if not impossible, for them to meet those expectations. Providing clear expectations does not necessarily require you to lay out precisely written, detailed instructions on every performance component. Generally, the question you should ask yourself is: "Would a reasonable person understand what is expected?"

- **Providing regular and frequent feedback on performance**

Feedback, whether given in regularly scheduled meetings or in unscheduled informal discussions, is crucial to ensuring that expectations are understood. Frequent feedback lessens the likelihood that the staff member will be surprised if it becomes necessary to take formal steps to resolve poor performance. Always look for opportunities to confirm that staff members under your supervision understand what is expected.

- **Recognizing good performance, informally and formally**

Recognizing good performance is simply another way of clarifying expectations.

- **Making full use of the initial period of the appointment for new staff members**

Performance problems often first show up during the initial few weeks or months of employment. This initial period provides a key opportunity for management to address performance problems. Taking action early is always better than waiting. Investing time early is always time well spent.

- **Ensure that staff are making the most of development opportunities**

Continuous learning promotes a culture of high performance and personal development and should be strongly encouraged and supported. Managers are expected to advise, support and coach staff members on professional development and to assist staff members with the creation and implementation of their personal development plan. Every staff member is expected to set a minimum target of five days for professional development per year.

Step one: Communicating expectations and performance problems

Why counsel an underperforming staff member?

Most performance problems can be resolved through effective communication between managers and their staff. A counseling session is an opportunity to clarify expectations and discuss performance problems. This step will provide advice on preparing for and conducting counseling sessions.

What is the difference between poor performance and misconduct?

It is important that you first make sure you are faced with poor performance rather than possible acts of misconduct. The difference between poor performance and misconduct is explained below.

Misconduct is generally a failure to follow a workplace rule (whether written or unwritten). Examples of misconduct include lateness and absenteeism, insubordination and fraud. Poor performance, on the other hand, is the failure of a staff member to do the job at an acceptable level. The acceptable level is usually, but not always, documented in written performance standards and is typically defined in terms of quality, quantity, or timeliness. Although it is normal for performance and misconduct to be interrelated, it is important to recognize the difference between the two. If you are unsure, always contact your human resources office for advice.

How can I effectively counsel the staff member?

If, despite the preventive steps you have taken to avoid poor performance, you find a staff member's performance is not meeting expectations, the best approach is to meet with the staff member to discuss the performance problem. The focus of this discussion should be to tell the staff member exactly what must be done to bring performance up to an acceptable level, both by providing specific examples of poor performance and also suggesting ways through which performance can be improved.

It is critical that you review the staff member's performance work plan/goals to ensure that they clearly convey what needs to be done in the job. Be sure to ask the staff member if he or she understands precisely what must be done to bring performance to an acceptable level.

Immediately after any such discussion with the staff member, you should take a few minutes and make a dated note to document the matters discussed and any assistance that you offered. If such a note would help confirm your mutual understanding of the matters discussed, you should share it with the staff member.

Topics discussed during counseling session

- ✓ Your expectations
- ✓ The staff member's work plan/goals
- ✓ Critical element(s) where the staff member is failing
- ✓ What the staff member must do to bring performance to an acceptable level
- ✓ Suggested ways forward

Use the following checklist to make sure that you have completed all the actions related to Step one.

Step one checklist	Yes	No
Are you sure the issue is primarily a performance problem (as opposed to misconduct)?	<input type="checkbox"/>	<input type="checkbox"/>
Have you properly communicated the work plan/goals to the staff member?	<input type="checkbox"/>	<input type="checkbox"/>
Are the performance work plan/goals clear and reasonable?	<input type="checkbox"/>	<input type="checkbox"/>
Have you told the staff member in what critical elements he or she is failing?	<input type="checkbox"/>	<input type="checkbox"/>
Have you counseled the staff member on how to improve to an acceptable level?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Let the staff member know if performance is improving or not!</i>		

Step one questions and answers

Question: Do I have the authority to tell a staff member that his or her performance is not satisfactory?

Answer: Yes. More than that, as the staff member's manager and "reporting officer," it is your obligation to keep the staff member informed about your assessment of his or her performance, particularly when that assessment is negative.

Question: Do I have to wait for the end-of-cycle performance appraisal to tell a staff member that his or her performance is not satisfactory?

Answer: No, you should not wait. In fact, good managers provide their staff with performance feedback throughout the appraisal cycle. As stated in Section 7 of ST/AI/2010/5, conversations or written communications should address "any shortcomings as they become apparent at any time ...". Remember, no staff member likes to feel ambushed at appraisal time, so confront the poor performance as soon as you become aware of it.

Question: Should the staff member get a copy of all my notes about his or her performance?

Answer: As a general rule, you should give the staff member a copy of the notes from a discussion or meeting that pertain to your expectations and responsibilities as well as the staff member's responsibilities. One way of doing this is through a follow-up email to the staff member – but remember to tell the staff member in advance that you will be sending the message so there are no surprises.

Question: I have never had to counsel a staff member before. What kind of information is worth keeping track of? Should this information be placed on the staff member's official status file?

Answer: One of the most important things to remember is to include a date to reflect when you met with the staff member or when you noted a particularly good or bad instance of performance. Keep track of specific examples of poor performance on work assignments to make it easier to explain what is wrong with the staff member's performance. Be sure to also note how you expressed your performance expectations and how the staff member responded to the counseling. Once a performance improvement plan has begun, you will need to make notes of all routine meetings with the staff member, as well as a record of when assignments were given to the staff member and what instructions were provided. These notes are confidential, should not be placed on the staff member's official status file, but are for your records as a manager and to keep track of communications between you and the staff member.

Question: This person is the first staff member with unsatisfactory performance I have ever had in our group. When I looked at the performance work plan/goals, I found out that he is not even doing the work described in them. What now?

Answer: Your first step always must be to convey a clear message on your performance expectations to each member of your team. Work plan/goals that do not relate to the job must be rewritten to avoid confusion between your oral instructions or written guidance and the performance work plan/goals themselves. If the new work plan/goals that you have written are substantially different from the old ones, you will need to give the staff member a chance to work under the new standards before you determine whether or not the staff member's performance requires development. As discussed in Step three, you risk running into difficulties upon rebuttal or appeal if the staff member can demonstrate that his or her performance expectations were not clear.

Preparing for a counseling session

- 1** Once you recognize that a performance problem exists, find out about what guidance the staff member has been given on performance expectations. Often, that guidance exists only in performance work plan/goals that were issued early in the performance cycle.
- 2** Read the performance work plan/goals. If they do not really describe what you want from the staff member, take the time to fix them with the staff member. If your unit uses generic plans that cannot be modified, think through the types of things that you will say to the staff member to further explain what it is you expect.
- 3** Even though you may never need to go any further than an oral counseling session to get this staff member to improve, take the time to contact the second reporting officer, or your local human resources office for advice. Ask them to review the performance work plan/goals to ensure that they are clear.
- 4** Use the manuals, guides, or other tools that all staff members use, take a look at them and see how these could be used to help the staff member improve. Try to read them as objectively as possible to look for areas that may not be clear. Remember, you know this job (probably better than almost everybody else), but there is some part of the job that is not making sense to this staff member. If you have to, break it down into parts and explain it step-by-step.
- 5** Remember, your objective is to improve the staff member's performance, not to win an argument with the staff member. To prepare for a counseling session with the staff member, practice explaining what you mean by acceptable performance in the job. Listen to yourself. If it does not make any sense to you, it will not make any sense to the staff member. Be as specific as possible.
- 6** Have some specific examples of poor performance so that you can respond to the inevitable, "What do you mean?". Do not emphasize past poor performance; instead, seek to clarify future good performance. Also, highlight some examples of the staff member's good performance, where possible.

Conducting the counseling session

- 1** In scheduling a meeting to discuss a performance issue, make sure you allow adequate time for your comments and any feedback from the staff member. Whenever possible, conduct the meeting in a private place where the staff member will not be embarrassed if the conversation is overheard by coworkers.
- 2** Choose your time and method based on your knowledge of the staff member's personality. For example, is this someone who needs to have a meeting like this on Friday so he or she can digest the information over the weekend? Use the same thought process for deciding how information is best given. Although you will be meeting to have a discussion, would this staff member like to read through some notes before talking? Would a verbal discussion with a commitment to follow up with something in writing be more in the style of the staff member?
- 3** Set and maintain a constructive tone: be calm, professional and focused.
- 4** Seek cooperation, not confrontation, by focusing on how the staff member's performance fits into the performance of the whole unit.
- 5** Choose several points throughout your comments to seek confirmation from the staff member that he or she understands the problems and your expectations. Providing opportunities for him or her to respond will allow the staff member to be active in the discussion.
- 6** At the conclusion of the meeting, end on a positive note by emphasizing that improving the staff member's performance is a mutually beneficial goal. Express your appreciation to the staff member. Offer a written summary then or to be given to the staff member later.
- 7** Keep notes for yourself documenting the date of the discussion and any specific agreements you reached with the staff member regarding changes to the way work is assigned or structured. It is good management practice to share such notes with the staff member.
- 8** Follow up! If the staff member shows improvement, let him or her know it immediately! If the staff member appears to be still struggling, go back and talk again.

Step two: Providing a formal opportunity to improve

Formal ways to improve performance shortcomings

When a performance shortcoming is identified managers should proactively assist the staff member to remedy the shortcoming(s). Depending on the nature of the job and the staff member's experience, it may be appropriate to offer assistance in a variety of ways. In the previous section, we discussed the option of counselling. Sometimes, additional assurance is required, such as additional training. If such methods do not work, a time-bound performance improvement plan may need to be considered. A performance improvement plan should include clear targets for improvement, provision for coaching and supervision by the first reporting officer in conjunction with regular performance discussions.

The performance improvement plan

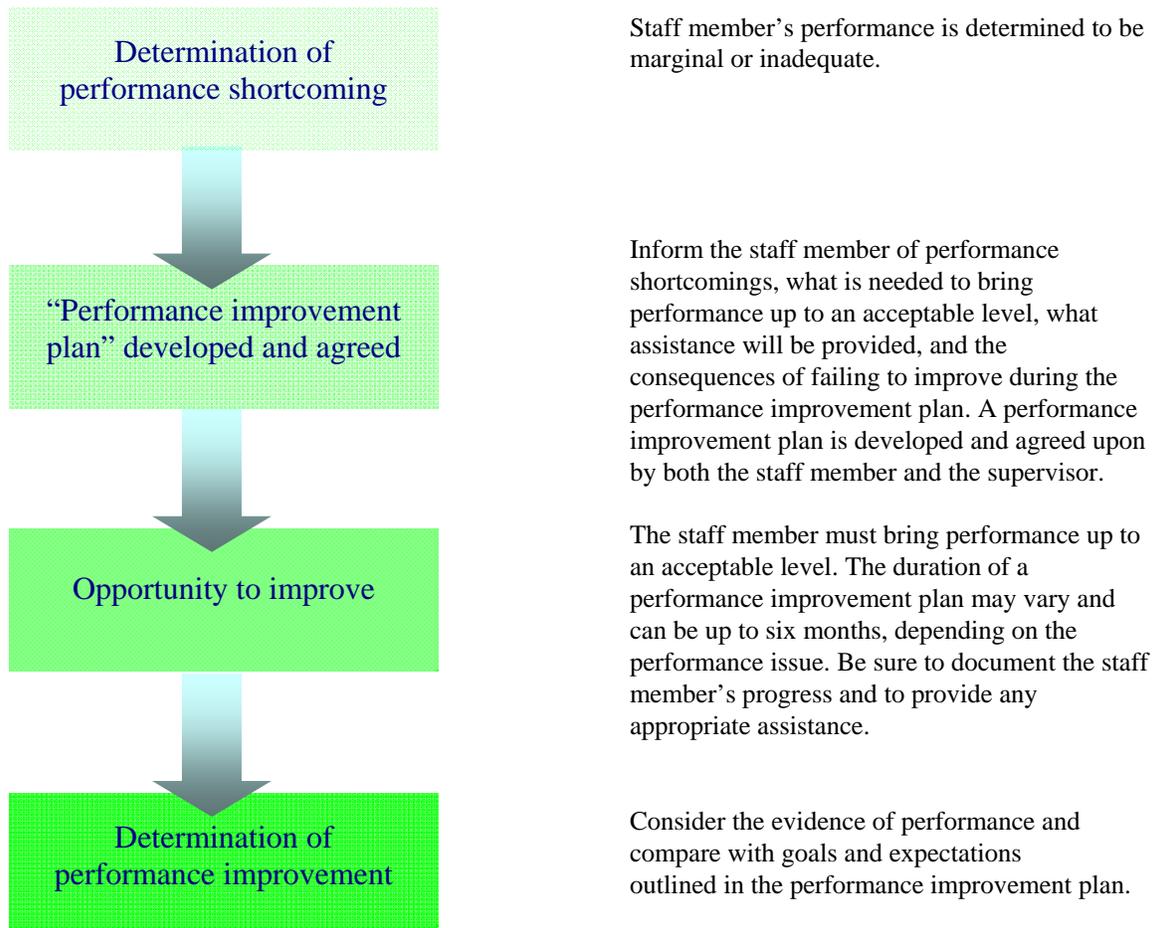
The development of a performance improvement plan, on which the staff member and second reporting officer should be consulted, provides a formal opportunity for the staff member to improve his or her performance. The duration of the performance improvement plan may vary depending on the nature of the performance issue. Performance improvement plans may cover up to a period of six months (see Section 10.2 of ST/AI/2010/5).

A structured and agreed performance improvement plan provides a mechanism that allows the staff member an opportunity to clearly demonstrate improved performance.

The staff member's performance should be monitored and documented regularly within this period. This period is designed to give the staff member an opportunity to bring his or her performance up to an acceptable level. It is also the manager's opportunity to clearly express his or her expectations and the consequences of not meeting those expectations. If the staff member fails to improve to an acceptable level by the end of the performance improvement plan, further action may be warranted.

If a staff member fails to perform satisfactorily by the end of the performance improvement plan or improves but then fails again within the given period, the manager has the option to recommend withholding the within-grade increment, non-renewal of the staff member's appointment or termination of the appointment for unsatisfactory performance.

Steps for providing a formal opportunity to improve are:



Special considerations

In reality, things do not always run smoothly in these situations. Some issues may occur that deserve special consideration.

Requests for Leave

An issue that managers sometimes have to deal with is staff members requesting leave during the performance improvement plan. You should consider each request for leave based on the specific circumstances of the request. Know the rules and policies on leave entitlements and seek advice from your local human resources office before you approve or deny any leave during this time.

Additionally, keep these thoughts in mind:

- A staff member on approved leave (annual, sick, or special leave without pay) cannot be penalized for work that is not completed while on approved leave.
- A staff member should be made aware of office procedures for requesting leave and for providing medical documentation and of any actions the office may take if these procedures are not followed.

- Be sure you understand all leave entitlements available to staff members.
- If a staff member is on approved leave for a significant period of time during the performance improvement plan period, you should extend the period to allow the staff member a reasonable time on the job to improve.

Deciding what comes next

Deciding what comes next depends on the staff member’s performance at the conclusion of the performance improvement plan period. If the staff member has reached an acceptable level of performance, there is no need for any action except to keep providing feedback and encouragement to the staff member. If the staff member is still not meeting performance expectations, the programme manager has the option of recommending transfer of the staff member to different functions (subject to the authority of the Head of Department or Mission), non-renewal or termination of the staff member’s appointment for unsatisfactory performance.¹

Use the following checklist to make sure that you have completed all the actions related to Step two.

Step two checklist	Yes	No
Did you inform the staff member that his or her work was marginal or inadequate in one or more critical elements?	<input type="checkbox"/>	<input type="checkbox"/>
Did you inform the staff member specifically what he or she has to do to improve performance in order to keep his or her job?	<input type="checkbox"/>	<input type="checkbox"/>
Did you explain what efforts would be made to assist the staff member (e.g. training)?	<input type="checkbox"/>	<input type="checkbox"/>
Did you clearly convey to the staff member that continued failure to meet performance expectations may have consequences on his/her future employment?	<input type="checkbox"/>	<input type="checkbox"/>
Did you provide the promised assistance (training, etc.) to the staff member?	<input type="checkbox"/>	<input type="checkbox"/>
Did you document the staff member’s performance during this performance improvement plan period?	<input type="checkbox"/>	<input type="checkbox"/>
Did you take into account any approved annual, sick or other leave during the performance improvement plan period?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If the staff member succeeds in raising his or her performance to an acceptable level, remind the staff member of his or her continuing obligation to maintain satisfactory performance.</i>		

¹ A contract may be terminated for unsatisfactory service prior to the expiry of the term of the contract pursuant to Staff Regulation 9.3 (a)(ii) and Staff Rule 9.6 (c)(ii), whereas a non-renewal of a fixed term contract may occur based on poor performance upon the natural expiration of a contract (Staff Rule 9.4).

Step two questions and answers

Question: What should I do about a staff member who will not talk to me? How can I give this person an opportunity to improve?

Answer: Although we focus a great deal in this Guide on managerial responsibilities for informing and assisting a staff member, the staff member has the primary responsibility for improving his or her performance. A staff member who gives the boss “the silent treatment” and refuses to accept any assistance runs the risk of failing to improve performance during the performance improvement plan and incurring the consequences. You may want to consider requesting your human resources office trained mediators or facilitators to break through some communication problems. Regardless, a staff member needs to be told what the expectations are for his or her performance and the consequences if these expectations are not met. Be sure to document your efforts to communicate these expectations and consequences.

Question: If a staff member asks for leave during the performance improvement plan period, do I have to grant it?

Answer: Generally, annual leave and special leave without pay are discretionary based on the needs of the office and could be denied based on the importance of focusing on improving performance in the time allotted. However, sick leave, supported by adequate documentation, must be approved as long as the staff member follows procedures for requesting the leave. As noted earlier, you should be aware of all leave entitlements of staff members.

Question: If I do approve leave during a performance improvement plan period, what happens to the deadlines that I have set up?

Answer: Once you approve leave, you cannot hold the staff member accountable for work that does not get done during the absence. For short absences, you may not have to adjust the deadlines or requirements at all. However, if the staff member is out for an extended time during the performance improvement plan period, you may need to extend the performance improvement plan period for the time of the absence to ensure that the staff member has a reasonable chance to perform acceptably.

Question: We do not have any money for training. What should I do about training during the performance improvement plan?

Answer: There is no requirement for formal classroom training. One option is to see how much of the training can be accomplished with the experts on your own team. On-the-job training is probably the most common form of training provided during a performance improvement plan period. Also, find out what is available through self-instructional manuals, videos or Organization-funded training programs.

Question: Do I have to follow the counseling steps before initiating a performance improvement plan?

Answer: Yes, it is essential to talk to the staff member when his or her performance begins to slip below the acceptable level and to show that you have tried to improve performance before taking such a formal step.

Step three: Taking action

Administrative Actions to deal with unsatisfactory performance

This section gives you an overview of the administrative actions that may be taken for unsatisfactory performance. There is also a brief explanation of deferral of within-grade increments, rebuttal rights, and non-renewal or termination of appointment.

Deferment of within-grade salary increments

Within-grade increments are routinely granted for staff members whose performance is satisfactory but managers need to be aware of the process required to “deny” a within-grade increment when a staff member’s performance is not at the satisfactory level.

In order to be eligible for a within-grade salary increment, a staff member must have a rating of “successfully meets performance expectations” or “exceeds performance expectations” (see Section 16 of ST/AI/2010/5).

When a staff member partially meets performance expectations, the salary increment can be withheld pending the outcome of a performance improvement plan. The decision to withhold an increment must be endorsed by the second reporting officer and communicated to the staff member in writing before the decision is implemented.

Rebuttal rights

A staff member may request a rebuttal of his/her performance rating within 14 days of the finalization of their performance appraisal document. Staff members may only rebut a rating of “does not meet” or “partially meets” performance expectations. Staff members cannot rebut comments on a performance appraisal form. The rebuttal panel is required to respond to a staff member’s request for a rebuttal within 14 days. A decision made by a rebuttal panel is final and may not be appealed (see Sections 14 and 15 of ST/AI 2010/5 and ST/AI 2010/5 Corr.1).

Appeal rights

Staff members do, however, have the right to appeal a non-renewal or termination of contract or other administrative decision (e.g. withhold of increment or transfer). The staff member may decide to have the action reviewed by the Organization’s formal and/or informal justice system.² Following the guidance set out in this guide and taking into account the applicable rules and policies will prepare you to present a strong case supporting your actions before any third party.

²For more information on appeals, please see Provisional Staff Rule 11.2; Office of Administration of Justice website at <http://www.un.org/en/oaj/>; and the Management Evaluation Unit website at <http://iseek.un.org/M210.asp?dept=1686#> (Office of the Under Secretary-General/Department of Management).

Use the following checklist to make sure that you have completed all the actions related to Step 3 three:

Step three checklist	Yes	No
Do you have copies of any notes of counseling or assistance given to the staff member?	<input type="checkbox"/>	<input type="checkbox"/>
Did you document the staff member's performance during the performance improvement plan period?	<input type="checkbox"/>	<input type="checkbox"/>
Was the staff member provided information on his/her right to appeal or rebut?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Before an administrative decision is taken, ensure that proper procedures were duly observed.</i>		

Step three questions and answers

Question: How should I decide whether to recommend a transfer or separate the staff member?

Answer: Your decision to reassign the staff member should be based on your analysis of whether the staff member can perform acceptably in a different post or function. However, if you can illustrate that the performance of the staff member was unsatisfactory, even after being given an opportunity to improve you may recommend non-extension or termination of appointment for unsatisfactory performance instead of reassigning the staff member to a different post or function.

Question: What happens when a within-grade salary increment comes due in the middle of a performance improvement plan?

Answer: Within-grade salary increments can be withheld during a performance improvement plan but if performance improves at the end of the plan, the increment is granted effective the date of successful completion of the plan. If a rebuttal panel establishes a new rating which justifies the award of the salary increment, the within-grade increment shall be awarded and made effective from the date on which it would have otherwise been paid (see Section 16.7 of ST/AI/2010/5).

Note: *This Guide should be read and used in conjunction with the applicable staff regulations and rules and administrative issuances, which prevail in the case of inconsistency*

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Staff Regulation 1.3

Staff Regulation 9.3

Provisional Staff Rules

Staff rule 1.3

Staff rule 3.3

Staff Rule 9.4

Staff Rule 9.6

Staff Rule 11.2

Secretary-General Bulletins

ST/SGB/2002/13, *Status, basic rights and duties of United Nations staff members*

ST/SGB/2005/20, *Prevention of Workplace Harassment, sexual harassment and abuse of authority*

ST/SGB/2009/9, *Learning and Development Policy*

ST/SGB/2008/5, *Prohibition of discrimination, harassment and abuse of authority*

Administrative Instructions

ST/AI/2010/5 and ST/AI/2010/5/Corr.1, *Performance Management and Development System*

ST/AI/292, *Filing of Adverse Material in Personnel Records*

Handbooks & other UN materials

DPKO Human Resources Handbook

OHRM Human Resources Handbook

Lessons Learned from the Jurisprudence of the System of Justice: A Guide for Managers

Website: <https://itsforreal.un.org/performance/>

Competency Development Guide/OHRM publication

<https://itsforreal.un.org/wp-content/uploads/2010/12/UN-Competency-Development-A-practical-guide.pdf>

Supporting Performance Management in the Organization/OHRM publication/

<https://itsforreal.un.org/wp-content/uploads/2010/12/Supporting-Performance-Management-in-the-Organization-A-guide-for-managers.pdf>

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