

Twenty-eighth meeting of the Council  
Abu Dhabi, 24-25 October 2024

## Draft Decision on the Break in Service for Re-employment of Former Staff Members

The *Assembly*,

*Noting* the restrictions applicable to the length of service of professional staff pursuant to staff regulation 5.4;

*Recalling* that the Assembly provided the Director-General with the authority to extend appointments of staff members recruited and serving the Agency as of 15 January 2017 for up to four years, in addition to the periods currently provided in staff regulations 5.4 (b) and (c) (A/7/DC/4);

*Recalling* also the decision of the Assembly to lift restrictions on the length of service for staff in the general service category (A/12/DC/2);

*Recalling* previous deliberations at the twelfth and fourteenth sessions of the Assembly (A/12/DC/2, A/14/SR/L.1) and at the eighteenth, nineteenth, twenty-fifth and twenty-sixth meetings of the Council (C/18/SR/1, C/19/SR/1, C/25/SR/1, C/26/SR/1), in relation to the length of the break in service for staff at the professional level and above;

*Having considered* the recommendations made by the Council at its twenty-seventh and twenty-eighth meetings in relation to the length of the break in service for staff at the professional level and above;

*Recalling* Article XI.C. of the IRENA Statute, which stipulates that “[The] Director-General shall be accountable to the Assembly and the Council, inter alia, for the appointment of the staff as well as the organization and functioning of the Secretariat. The paramount consideration in the employment of staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity”;

*Noting that* pursuant to staff regulation 13.1, the Staff Regulations may be amended by the Assembly;

*Noting further that* pursuant to staff regulations 13.2 and 13.3, the Director-General shall provide and enforce such Staff Rules as necessary for the implementation of the Staff Regulations, and report to the Assembly such new and/or amended Staff Rules.

1. *Decides that:*

- a) Current and all former staff members at the professional level and above having completed the exceptional period of thirteen years of service pursuant to Assembly Decision A/7/DC/4 shall not be eligible for re-employment by the Agency without any exception regardless of the category of staff, the type of the appointment (whether fixed or temporary), the level of the post or other criteria.
- b) Current and former staff members at the professional level and above having completed the maximum length of service of seven years specified in staff regulation 5.4(b), or nine years in cases where a two-year extension had been granted pursuant to staff regulation 5.4(c), may be re-employed for a fixed-term after the expiration of thirty consecutive months following the

date of their separation from the Agency (mandatory break in service), subject to the following requirements:

- i) No such re-employment shall be by direct appointment by the Director-General. For all positions that are to be filled, a vacancy announcement shall be issued and posted on the IRENA website. The object of issuing a vacancy announcement is to attract a wide variety of candidates for each position from a wide geographic and gender base. The selection of staff members for all such positions shall be on a competitive basis, in accordance with the established procedures;
  - ii) The total combined length of service of any such re-employed staff member shall not exceed thirteen years;
  - iii) A former staff member shall not be re-employed to a position that he or she previously held or substantively similar to a position that he or she previously held, irrespective of any change in the title of the position.
- c) Former staff members at the professional level and above, who have not reached the maximum length of service of seven years specified in staff regulation 5.4(b) may be re-employed for a fixed-term for a period equivalent to the difference between their total combined length of service and seven years. Any further re-employment of such former staff members shall be subject to paragraph (b) above.
  - d) Former staff members at the professional level and above who were granted the exceptional extension of up to an additional four years of service pursuant to Assembly Decision A/7/DC/4 and have separated from the Agency prior to reaching the maximum length of service of thirteen years may be re-employed for a fixed term for a period equivalent to the difference between their total combined length of service and thirteen years. After completing such total combined length of service of thirteen years they shall be subject to paragraph 1(a) above.
  - e) Current and former staff members at the professional level and above having completed the total combined length of service of thirteen years shall not be eligible for further employment by the Agency, without any exception regardless of the category of staff, the type of the appointment (whether fixed or temporary), the level of the post, or other criteria.

2. *Decides* that the maximum length of service of seven years referred to in staff regulation 5.4(b) applies to current and former staff members and includes their current and past periods of service.

3. *Adopts* the proposed amendments to the Staff Regulations required to implement this decision, as set out in Annex I to this decision (the “Revised Staff Regulations”) in line with staff regulation 13.1.

4. *Takes note* of the amendments to the Staff Rules proposed by the Director-General in accordance with staff regulations 13.2 and 13.3 for the implementation of the Revised Staff Regulations, as set out in Annex II to this decision (the “Revised Staff Rules”).

5. *Decides* that the Revised Staff Regulations and the Revised Staff Rules shall become effective as of the date of adoption of this decision.

6. *Requests* the Director-General to promptly update the Staff Regulations and Staff Rules to reflect the changes thereto adopted pursuant to paragraphs (1), (2), (3) and (4) above, and take appropriate actions to implement this decision and to inform the staff accordingly.

7. *Requests* the Director-General to report on the implementation of this decision annually.

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## Annex I

### Revised Staff Regulations

#### Proposed Change to Regulation 5.4

##### Regulation 5.4 Period of appointment and probation

- a) Appointment of the Deputy Director-General shall be for a period of up to four years, renewable for up to a further four years.
- b) Other staff members at the professional level and above shall be granted either a temporary or a fixed-term appointment. No continuing appointments shall be granted. Fixed-term appointments may be extended at the discretion of the Director-General. The initial period shall normally not exceed three years. The total length of service on fixed-term appointments for staff at the professional level and above shall normally not exceed seven years.
- c) The Director-General may extend the maximum length of service of seven years referred to in paragraph (b) above for staff at the professional level and above once for a period of up to two years provided that there is a documented record of performance and the need for such extension to ensure continuity of the work of the Agency. The maximum length of service applicable to staff at the professional level and above shall not apply to staff in the general service category.
- d) Staff members shall be required to serve a probationary period of six months. For certain categories of staff, especially for temporary and part-time appointments, the Director-General may, in the best interest of the Agency, adjust the length and conditions of the probationary period.
- e) A temporary appointment does not carry any expectancy, legal or otherwise, of renewal. A temporary appointment shall not be converted to any other type of appointment.
- f) A fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service or its extension.

##### Re-employment of former staff members

- g) Current and former staff members at the professional level and above having completed the maximum length of service of seven years referred to in paragraph (b) above, or nine years in cases where a two-year extension had been granted pursuant to paragraph (c) above, may be re-employed for a fixed term after the expiration of thirty consecutive months following the date of their separation from the Agency (mandatory break in service), subject to the following requirements:
  - i. No such re-employment shall be by direct appointment by the Director-General. For all positions that are to be filled, a vacancy announcement shall be issued and posted on the IRENA website. The object of issuing a vacancy announcement is to attract a wide variety of candidates for each position from a wide geographic and gender base. The selection of staff members for all such positions shall be on a competitive basis, in accordance with the established procedures;
  - ii. The total combined length of service of any such re-employed staff member shall not exceed thirteen years;

- iii. A former staff member shall not be re-employed to a position that he or she previously held or substantively similar to a position that he or she previously held, irrespective of any change in the title of the position.
- h) Former staff members at the professional level and above, who have not reached the maximum length of service of seven years specified in paragraph (b) above may be re-employed for a fixed term for a period equivalent to the difference between their total combined length of service and seven years. Any further re-employment of such former staff members shall be subject to paragraph (g) above.
- i) Current and former staff members at the professional level and above having completed the total combined length of service of thirteen years shall not be eligible for further employment by the Agency, without any exception regardless of the category of staff, the type of the appointment (whether fixed or temporary), the level of the post or any other criteria.
- j) The maximum length of service of seven years referred to in paragraph (b) above applies to current and former staff members and includes their current and past periods of service.

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## Annex II

### Revised Staff Rules

#### Proposed new staff rule 105.3 bis on Re-employment of former staff members

##### Rule 105.3 Types of appointment

- a) Staff members may be granted fixed-term or temporary appointments, as defined below. No appointment carries any expectation of renewal or conversion to any other type of appointment, irrespective of the length of service or its extension.
- b) A “fixed-term appointment” is a time-limited appointment of one year or longer. The initial period shall normally not exceed three years. The total length of service on fixed-term appointments for staff at the professional level and above shall normally not exceed seven years. The Director-General may extend this maximum period once for a period of up to two years. Such an extension may be made only when there is a documented record of good performance and of the need to ensure continuity of the work of the Agency. The maximum length of service applicable to staff at the professional level and above shall not apply to staff in the general service category.
- c) A “temporary appointment” shall be granted for a period of less than one year to meet seasonal or peak workloads and specific short-term requirements. The appointment of a staff member who has served for the maximum period may be extended up to a total continuous period of less than two years when warranted by surge requirements and operational needs related to special projects with finite mandate

##### Rule 105.3 bis – Re-employment of former staff members

- a) Current and former staff members at the professional level and above having completed the maximum length of service of seven years specified in staff regulation 5.4(b), or nine years, in cases where a two-year extension had been granted pursuant to staff regulation 5.4(c), may be re-employed for a fixed term after the expiration of thirty consecutive months following the date of their separation from the Agency (mandatory break in service), subject to the following requirements:
  - i. No such re-employment shall be by direct appointment by the Director-General. For all positions that are to be filled, a vacancy announcement shall be issued and posted on the IRENA website. The object of issuing a vacancy announcement is to attract a wide variety of candidates for each position from a wide geographic and gender base. The selection of staff members for all such positions shall be on a competitive basis, in accordance with the established procedures;
  - ii. The total combined length of service of any such re-employed staff member shall not exceed thirteen years;
  - iii. A former staff member shall not be re-employed to a position that he or she previously held or substantively similar to a position that he or she previously held, irrespective of any change in the title of the position.
- b) Former staff members at the professional level and above who have not reached the maximum length of service of seven years specified in staff regulation 5.4(b) may be re-employed for a fixed term for a period equivalent to the difference between their total combined length of service and

seven years. Any further re-employment of such former staff members shall be subject to paragraph (a) above.

- c) Current and former staff members at the professional level and above having completed the total combined length of service of thirteen years shall not be eligible for further employment by the Agency, without any exception regardless of the category of staff, the type of the appointment (whether fixed or temporary), the level of the post or any other criteria.
- d) The maximum length of service of seven years referred to in staff rule 105.3 (b) above applies to current and former staff members and includes their current and past periods of service.
- e) A former staff member who is re-employed under staff regulation 5.4 shall be given a new appointment in accordance with the Staff Regulations and Staff Rules. Subject to paragraph (f) below, the terms of such new appointment shall be fully applicable without regard to any period of former service.
- f) When a staff member receives a new appointment less than 12 months after separation, the amount of any payment on account of termination indemnity, repatriation grant or commutation of accrued annual leave shall be adjusted so that the number of months, weeks or days of salary to be paid at the time of the separation after the new appointment, when added to the number of months, weeks or days paid for prior periods of service, does not exceed the total of months, weeks or days that would have been paid had the service been continuous.

## Draft Decision on the appointment of staff of the Office of the Director-General

The *Assembly*,

*Recalling* Article XI.C. of the IRENA Statute, which stipulates that the Director-General shall be responsible to the Assembly and the Council, inter alia for the appointment of the staff as well as the organisation and functioning of the Secretariat and that the paramount consideration in the employment of staff shall be the necessity of securing the highest standards of efficiency, competence and integrity;

*Recalling also that* article XI.C of the IRENA Statute further stipulates that in the employment of the staff due regard shall be paid to the importance of recruiting the staff primarily from Member States and on as wide a geographical basis as possible, taking particularly into account the adequate representation of developing countries and with emphasis on gender balance;

*Recalling further that* pursuant to staff regulation 5.3(a), the selection of staff shall be made without distinction as to race, sex or religion in a manner that ensures transparency of the process and as far as practicable, selection shall be made on a competitive process;

*Having considered* the recommendations made by the Council at its [XX] meeting in relation to the appointment of the staff of the office of the Director-General;

*Noting that* pursuant to staff regulation 13.1, the Staff Regulations may be amended by the Assembly;

*Noting further that* pursuant to staff regulations 13.2 and 13.3, the Director-General shall provide and enforce such Staff Rules as necessary for the implementation of the Staff Regulations, and report to the Assembly such new and/or amended Staff Rules.

1. *Decides that* the discretionary authority of the Director-General to appoint staff members of his office outside the established procedures is limited to the positions of Chief of Staff and Adviser to the Director-General, it being understood that the Director-General shall exercise such discretionary authority with due regard to the requirements of Article XI.C of the IRENA Statute.
2. *Requests* the Director-General to announce all vacancies for the positions referred to in paragraph 1 above on the IRENA website, to attract a variety of qualified candidates for each position from a wide geographic and gender base.
3. *Adopts* the proposed amendments to the Staff Regulations required to implement this decision, as set out in Annex I to this decision (the “Revised Staff Regulations”) in line with staff regulation 13.1.
4. *Takes note of* the amendments to the Staff Rules proposed by the Director-General in accordance with staff regulations 13.2 and 13.3 for the implementation of the Revised Staff Regulations, as set out in Annex II to this decision (the “Revised Staff Rules”).
5. *Decides that* the Revised Staff Regulations and the Revised Staff Rules shall become effective as of the date of adoption of this decision.
6. *Requests* the Director-General to promptly update the Staff Regulations and Staff Rules to reflect the changes thereto adopted pursuant to paragraphs (3) and (4) above, take appropriate actions to implement this decision and to inform the staff accordingly.
7. *Requests* the Director-General to report annually on the implementation of this decision.

## Annex I – Revised Staff Regulations

### Regulation 5.3 Selection of staff members

- a) Selection of staff members shall be made without distinction as to race, sex or religion in a manner that ensures transparency of the process. As far as practicable, selection shall be made on a competitive basis. ~~The requirement of selection on a competitive basis shall not apply for appointment to the positions of Chief of Staff and Adviser to the Director-General which shall be subject to the discretionary authority of the Director-General. The Director-General shall exercise such discretionary authority with due regard to the requirements of Article XI.C of the Statute.~~



**Annex II – Revised Staff Rules****Rule 105.1 Recruitment policies**

- a) The paramount consideration in the selection of staff shall be the necessity of securing the highest standards of efficiency, competence and integrity. For posts in the Professional category and above, due regard shall be paid to the importance of recruiting the staff primarily from Members, taking into account the adequate representation of developing countries and gender balance. **For all vacant posts which are to be filled, a vacancy announcement shall be issued in accordance with established procedures.**