

## **Appendix B**

### **Conditions Governing Local Recruitment, Overtime Compensation and Night Differential**

#### **Local recruitment**

Pursuant to rules 103.06 and 103.07

(a) The following staff members in the General Service category shall be regarded as having been locally recruited in accordance with staff rule 103.06 and shall not be eligible for international benefits as provided under staff rule 103.07:

(i) Nationals of Austria and persons who have been granted permanent residence in Austria;

(ii) Persons whose presence in Austria is due to the employment or permanent residence of the spouse;

(iii) Persons who at the time of their appointment have been living in Austria for more than one year or have been gainfully employed in Austria for a total of 6 months or more during the 12 months preceding their appointment, it being understood that:

a. Intermittent temporary departure shall not be considered to have interrupted the stay or employment;

b. Presence due to employment on a recognized international basis will not be taken into account in determining eligibility for international recruitment. For the purpose of this appendix, employment on a recognized international basis means employment with the United Nations, a specialized agency or International Atomic Energy Agency, embassies, consulates, government missions and governmental international organizations, if the person has been granted the benefits stipulated by the employer for internationally recruited staff. Presence due to employment with a business concern will be considered individually;

(iv) Persons recruited to serve in posts normally filled locally.

(b) A staff member regarded as having been locally recruited under subparagraph a (iv) above and who is not excluded from eligibility for international benefits under subparagraphs (a)(i) to (iii) above shall be considered as having been internationally recruited and shall be eligible for the allowances and benefits provided in staff rule 103.07, if he or she is reassigned, after an appropriate examination, to a post within the General Service category that otherwise, in the opinion of the Director-General, would have to be filled by recruitment from outside Austria.

## **Overtime compensation**

(c) Pursuant to staff rule 106.20, staff members in the General Service category or in the Manual Worker category who are required to work overtime shall be given compensatory time off, or may receive additional payment in accordance with the following provisions:

(i) Overtime means time worked in excess of the basic work week on the instructions of the proper authority;

(ii) Work in excess of the basic work week performed between 0600 hours and 2000 hours on any of the five scheduled work days is regular overtime;

(iii) Work in excess of the basic work week performed after 2000 hours or before 0600 hours on a scheduled work day, on the sixth or seventh day of the work week, or on an official holiday, is special overtime. However, the Director-General may require all staff members at Headquarters to work on a holiday that falls during a period of exigency. In that event the Director-General shall set another working day to be observed as the holiday and the holiday falling during the period of exigency shall be treated as a normal working day.

(d) Compensation for overtime shall be reckoned to the nearest one half-hour; overtime of less than one half-hour on any day during the basic work week shall be disregarded.

(e) Except as provided in paragraph (f) below, compensation for overtime shall take the form of compensatory time off with regular overtime compensated by equal time off and special overtime by time and one half. Subject to the exigencies of the service, compensatory time off will be granted within four months following the month in which it is earned. When a staff member has compensatory time off to his or her credit at the end of a calendar month, any absence during that month not charged to sick leave or official holiday shall be charged first to his or her compensatory time off.

(f) Overtime may be compensated by an additional payment in the following circumstances:

(i) The first eight hours of special overtime worked during one month shall be so compensated unless the staff member concerned requests that compensatory time off be granted;

(ii) When it is not possible to give compensatory time off due to the exigencies of the service.

(g) The additional payment for overtime shall be calculated on the basis of the aggregate of the hourly rate of the staff member's base salary and language allowance and non-resident's allowance. Payment shall be at one-and-one-half times the rate for regular overtime and twice the rate for special overtime.

(h) In the interest of the health of the staff and the efficiency of the service, supervisors shall not require a staff member to work more than 40 hours of overtime during any one month except where unusual exigencies of the service so require.

(i) The Director-General may prescribe special conditions and rates of overtime for groups of staff whose duties are normally performed according to a schedule other than the five-day basic work week or whose scheduled normal hours of work differ considerably from those of the majority of the staff.

### **Night differential**

(j) Pursuant to rule 106.21, a staff member shall receive, for any regular working hours between 2000 hours and 0600 hours, a night differential at the rate of 15 per cent of step VI of the salary level for staff in the General Service and Manual Worker categories and at the rate of 10 per cent of the aggregate of the net salary and post adjustment of staff in the Professional and higher categories.

(k) Payments shall be reckoned to the nearest hour, and work periods of less than one half-hour shall not be taken into consideration.