

DOMESTIC RELATIONS  
AND WORLD BANK GROUP FAMILIES

AN INFORMATION PACKAGE FOR  
WORLD BANK GROUP EMPLOYEES, SPOUSES,  
LAWYERS AND ADVOCATES

Version 8  
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## DISCLAIMER

**This document is intended to provide general information to help readers answer some basic questions about how the World Bank Group handles certain family matters involving its staff members. This publication is not equivalent to legal advice, and should not be relied upon as such. Any specific questions concerning legal rights should be presented to an attorney.**

### A NOTE TO READERS

**This document is useful only if it is current, accurate and complete.**

If you have any suggestions or comments that would help us improve it,  
please send your suggestions to [HROperations@worldbankgroup.org](mailto:HROperations@worldbankgroup.org).

## VERSIONS

Seven versions of this document were released in draft between May 2006 and February 2019.

Version 1	18-Jan-2009	Initial release
Version 2	09-May-2009	Incorporated new Staff Rule 3.06
Version 3	02-Nov-2009	Staff Rule 2.01 reforms to remove ability to block access to salary, benefits and pension information
Version 4	24-Aug-2010	Added http link to Staff Manual references Updated Appendix C to new format for sample salary and benefits letter Updated Appendix A (Staff Rule 3.06) to latest version New MIP Continuation rates (Appendix D)
Version 4a	30-Aug-2010	Updated World Bank Legal Dept. contact
Version 4b	17-Jan-2011	New MIP Continuation rates (Appendix D)
Version 5	08-Jun-2011	Revisions by Domestic Violence Prevention Task Force participants
Version 6	09-Oct-2013	Revisions to Staff Rules 3.06 and 6.06.
Version 7	25-Sept-2014	Editing
Version 8	18-April-2019	Updated all staff rules and links Updated all Appendixes and added Appendix F (staff rules related to families) Updated all immigration references throughout

		Updated Pension, Benefits and HR information throughout Updated EBC involvement in chapter 3 and 4
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## FOREWORD

This document arose from the need for a World Bank Group corporate response to domestic abuse and spouse rights by a spouse and partner association, the World Bank Family Network (WBFN). Starting in December 2000 with a grant from former World Bank Group President James D. Wolfensohn's discretionary fund, WBFN prepared a series of reports describing the characteristics and impact of abuse on the largely non-U.S. World Bank Group workforce based in Washington, D.C., with recommendations for practical steps to help families. WBFN was later joined by numerous World Bank Group units to form the World Bank Group's Domestic Abuse Prevention Network. The Network refined and implemented many of original WBFN recommendations. The resulting changes included:

- appropriate modification of World Bank Group administrative practices, especially those that harbored unintended negative consequences for family members;
- strengthening of the World Bank Group's ethical code and disciplinary procedures; and
- improved outreach to family members, and direct counseling and case-management services for abuse victims.

Underpinning these measures, ongoing educational initiatives target employees and their families to improve awareness about the scope of domestic abusive behaviors and how these relate to World Bank Group employment policy and U.S. law. These educational activities have been overseen and underwritten by the World Bank Group.

## ACKNOWLEDGMENTS

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## 1 INTRODUCTION

- 1.1 This document is intended to help families of the World Bank Group<sup>1</sup> employees who are involved in domestic relations cases and domestic abuse situations, and the advocates and lawyers who help them.

### *THE WORLD BANK GROUP'S UNIQUE CHALLENGES*

- 1.2 Non-American, non-U.S. permanent resident World Bank Group families in particular face special challenges in identifying and procuring the full range of legal options available to them. Most spouses in such families are completely financially dependent on the employee. Apart from financial issues, identifying an appropriate lawyer can be difficult, since World Bank Group cases can require knowledge and expertise in some combination of family law, immigration law and international law. Additionally, other issues arise from the employment of one or both spouses at the World Bank Group.
- 1.3 Because the World Bank Group is a public international organization with certain privileges and immunities, many aspects of domestic disputes and divorce law which are routine with other U.S. employers are more challenging (e.g., subpoena of payroll records, enforcement of wage garnishment orders, etc.):
- Records (including personnel records) of the World Bank Group are inviolable and cannot be subpoenaed due to the World Bank Group's privileges and immunities. Obtaining accurate information on an employee's salary, pension, and benefits is not always straightforward or rapidly accomplished. (Chapter 2, page 3)
  - The World Bank Group cannot automatically deduct amounts from salary payments to employees to pay child support and/or spousal support obligations, although such garnishments are possible after proven non-compliance making court-ordered payments. (Paragraphs 3.3 and 3.4, page 11)
  - Many spouses hold a G4 visa. G4 visa holders and their dependents are in the United States legally as "non-resident aliens" on a "non-immigrant" visa, with potentially profound immigration implications in the event of divorce. (Chapter 5, page 16)

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<sup>1</sup> The World Bank Group includes the International Bank for Reconstruction and Development or IBRD and the International Development Agency or IDA (commonly and collectively called "the World Bank") and affiliates: the International Finance Corporation or IFC, the Multilateral Investment Guarantee Association or MIGA, the Global Environment Fund or GEF, and the International Centre for the Settlement of Investment Disputes or ICSID.

- Subpoenas for information served on the World Bank Group will not be honored due to the privileges and immunities held by the World Bank Group.<sup>2</sup> (Paragraph 2.7, page 3)
- Washington-based World Bank Group employees who are not U.S. citizens (including all employees holding a G4 visa) do not pay U.S. federal or state income tax on their World Bank Group salaries. Most World Bank Group employees are paid on a “net of tax” basis, and many career employees receive substantial benefits. Support amounts in the U.S. family law system is based on gross income, so if a net salary is submitted without explanation, the courts or attorneys may conclude erroneously that household income is lower than reality (relative to employees who do not work at the World Bank Group and are thus paid gross salaries), with adverse consequences for temporary or permanent spouse and/or child support petitions. The World Bank Group can give approximate estimates of gross income amounts for employees paid net of tax. (Paragraph 2.8, page 4)

1.4 The Family Law Guide is focused on US law. For country offices, please consult with an attorney in your country experienced with domestic violence and family law.

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<sup>2</sup> International organizations such as the World Bank Group enjoy certain privileges and immunities that are designed to allow them (as organizations) to pursue the objectives that have been entrusted to them without interference from their member countries or from individuals in these countries. To implement this principle, the employees of international organizations are also accorded some privileges and immunities. An employee’s immunity is granted in the interest of the international organization, and not for the benefit of the employee. The Convention on the Privileges and Immunities of the Specialized Agencies contains the following statement: “Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for personal benefit of the individuals themselves” (Article 22). The immunity of employees is functional, in that it is the acts performed by an employee in his or her official capacity that are protected. This immunity is not the same as that of diplomats which is much wider, and protects the person of the diplomat. An important immunity of World Bank Group employees is the immunity from legal process for acts performed in their official capacity. Other privileges and immunities relate to taxes, immigration, alien registration and national service obligations, and travel. For World Bank Group employees, the immunity from legal process for acts performed in their official capacity has its source in the Articles of Agreement and in the Convention on the Privileges and Immunities of the United Nations Specialized Agencies, in the case of countries that have acceded to the Convention with respect to the World Bank Group. The immunity covers only acts performed by the employee in his or her official capacity. Employees are subject to legal process for acts performed before they joined the World Bank Group, for acts they would perform after leaving the World Bank Group, and for acts performed while they are employed by the World Bank Group and which are not performed in their official capacity. “Legal process” would include actions brought against the staff member in, civil courts, as well as criminal prosecution and possible detention in cases where criminal activity is alleged.

## 2 OBTAINING INFORMATION REQUIRED FOR SPOUSAL/CHILD SUPPORT

### *CHALLENGES*

- 2.1 Accurate and current information on salary, pension and benefits of World Bank Group staff must be made available to the court and/or the spouse, so that a fair level of support for the spouse and their dependents can be arranged without any period of undue hardship.
- 2.2 World Bank Group employees who are involved as respondents in domestic relations cases (including domestic abuse cases) may exploit some of the special circumstances associated with World Bank Group employment to impede and delay the provision of such information (e.g., the World Bank Group's immunity to subpoenas). In the World Bank Group community, many victims of domestic abuse are entirely dependent financially on their abuser and have limited or no access to alternative sources of income via employment or welfare benefits.
- 2.3 In connection with spousal and/or child support arrangements, a staff member may try to reduce their potential financial commitments to the spouse by portraying their income as being lower than it actually is. The World Bank Group's unique compensation system and restrictions on subpoena (and the unfamiliarity with this system by the courts) present higher risks in this regard than with other U.S. employers. For example, a staff member earning an annual salary net of U.S. taxes may quote this net salary from the World Bank Group, rather than its gross equivalent. The financial models often used by courts to set child support assume inputs of gross salary. Thus, the underreporting of salary can result in a lower amount of spousal and/or child support, given the means of the staff member. Other issues include omission of benefits paid quarterly or annually, or at the end of employment.

### *OBTAINING INFORMATION: AN OVERVIEW*

- 2.4 Information about the salary, pension and benefits of an employee from the World Bank Group (hereafter referred to "information requests," "information orders" or "information") can be provided by the World Bank Group or by the individual staff member. Generally, the most impartial route involves provision of such information by the employer, a neutral third party, as opposed to provision of information by the respondent directly. Employee-provided information may be incomplete by comparison, or lack the context required for accurate interpretation.<sup>3</sup>
- 2.5 The World Bank Group's Staff Rule 2.01 (Confidentiality of Personnel Information) sets forth provisions governing administration of and access to staff records and other personnel information about employees maintained, whether in

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<sup>3</sup> World Bank Group compensation and benefits schemes can be complicated. Often, submissions of information prepared by respondents lack accuracy and completeness out of ignorance, not malice.

hard copy or electronically, by the World Bank Group. It also provides for certain situations where the World Bank Group can release certain information about an employee without the employee's authorization.

- 2.6 Staff Rule 2.01 stipulates that spouses and registered domestic partners of World Bank Group employees (past and present) have access to the salary, benefits (including insurance and pension) information of their spouse/partner. Therefore, World Bank Group's internal rules allow disclosure of such information to spouses or registered domestic partners without necessarily informing the employee. Salary, benefits and pension information thus can be provided by the World Bank Group directly to the spouse/domestic partner. (see sample letter, Appendix C, page 45. Spouses or domestic partners (or their attorneys) should direct their written requests for information about an employee's salary, benefits and pension to the HR Operations (see Appendix F, page 57).

#### ***ORDERS FOR INFORMATION ADDRESSED TO THE WORLD BANK GROUP***

- 2.7 If a subpoena or court order for personnel information regarding an employee is addressed to the World Bank Group instead of an employee personally, the World Bank Group Legal Department responds to the sender, asserting the World Bank Group's privileges and immunities, including immunity from subpoenas. The World Bank Group does not and cannot comply with such subpoenas or court orders. Courts and attorneys must be reminded of the World Bank Group's immunity from subpoenas and be encouraged to simply ask their clients – the World Bank Group spouse – to request the information from the World Bank Group's Human Resources Department.

#### ***NET AND GROSS SALARY***

- 2.8 World Bank Group employees who are not U.S. citizens (including all employees holding a G4 visa and U.S. permanent residents) do not pay U.S. state or federal tax on their World Bank Group net salary.<sup>4</sup> In a spouse and/or child support discussion, when a net salary is quoted in net terms, with or without benefits information, household income is significantly underrepresented to the court (which expects gross income inputs). This may have adverse consequences for spouse and/or child support petitions, unless appropriately adjusted to gross income. Thus, in order to compare net salaries to equivalent "gross" salaries earned by almost all U.S. workers, the gross equivalent of the World Bank Group salary must be provided. A gross income estimate is available to most staff via the "Gross Salary" employment verification letter in myHR and is included in all World Bank Group verifications of salary. Additionally, most staff members

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<sup>4</sup> Most American employees also are paid a net salary, but also receive a tax allowance benefit designed to cover the U.S. federal and state income tax liability on the net income. The largest exception is American employees on Extended Term Consultant, Extended Term Temporary, Short Term Consultant and Short Term Temporary appointment types, who are paid a gross salary and who pay U.S. federal and state taxes from that salary without receiving a tax allowance benefit.

have access to a more sophisticated gross income calculator in the HR Kiosk, although this is not widely known since non-American staff typically have no need for such a calculator during their careers.

- 2.9 Receiving a net salary (not paying U.S. income taxes) is mandatory. Such treatment of non-American staff is codified in Internal Revenue Code, 26 USC 893 regarding “compensation of employees of foreign governments or international organizations.”

***DISPUTES REGARDING ESTIMATED GROSS INCOME***

- 2.10 Estimating gross income from net income is by nature imprecise. The tax situation that would apply to any World Bank Group employee who earns tax-free income depends on hundreds of variables, including jurisdiction of residence, filing status, number of exemptions, investment income, spouse income, level of allowed deductions, carryover of gains and losses from previous years, and more. The World Bank Group thus provides a range of estimates as part of any verification of salary, pension and benefits.
- 2.11 In cases where a respondent disputes the efficacy of using anything other than net income to determine support, or if the parties agree that gross income estimates are appropriate to use but cannot agree on the gross amount to be used, the spouse’s attorney should consider calling a Certified Public Accountant or other tax expert to testify as to the appropriate gross equivalent income for any net salary.<sup>5</sup>

***BENEFIT SUMMARY: DEPENDENCY ALLOWANCE***

- 2.12 The World Bank Group pays a dependency allowance to each eligible employee<sup>6</sup> who has eligible dependents.<sup>7</sup> The dependency allowance for Headquarters staff is currently five percent of net income up to US\$3,500 per year, plus US\$600 for each eligible child. All amounts are reduced by high spouse salaries (starting at US\$30,000 gross per annum) and eliminated once spouse salaries exceed US\$130,000 gross per annum.<sup>8</sup>

<sup>5</sup> One other difficulty of estimating gross income from net income is the treatment of U.S. Social Security contributions. Many U.S. employers pay 50 percent or 100 percent of their employee’s Social Security obligations.

<sup>6</sup> Extended Term Consultants, Extended Term Temporaries, Short Term Consultants and Short Term Temporaries are not eligible for dependency allowance.

<sup>7</sup> For purposes of dependency allowance, an eligible dependent is a legal spouse and any unmarried child under age 19 for whom the employee provides principal support. Additionally, unmarried children aged 19 to 24 are eligible dependents if the employee provides principal support and the child is either a full-time student or earning less than an income threshold (currently about US\$10,712 per year). Other conditions may apply, including residency in the employee’s household, particularly for step-children.

<sup>8</sup> Like all World Bank Group benefits policies, these amounts are subject to change.

***BENEFIT SUMMARY: PENSION/STAFF RETIREMENT PLAN***

- 2.13 Participation in the World Bank Group Staff Retirement Plan is mandatory for all eligible employees.<sup>9</sup> Employees participating on or before April 14, 1998 are generally in the “gross plan”, a defined contribution program. Employees who began participation on or after April 15, 1998 are generally in the “net plan,” a combined defined benefit and cash balance contribution program.<sup>10</sup> A small number of employees who were hired after April 14, 1998 but before March 1, 2000 transferred pensionable service from another qualifying international organization into the World Bank Group Staff Retirement Plan and are gross plan participants. Transfer Agreements exist with qualifying international organizations that apply to both gross plan and net plan.
- 2.14 Significant differences exist between the two plans. The gross plan allows an “unreduced pension at age 50” and also allows participants to commute up to 33.3% of the value of the pension into a lump sum withdrawal at the time of pension application (which results in lower monthly pension payments). The gross plan also allows a retiree who divorces after retirement to designate the former spouse as an optional survivor eligible for a survivor pension if the retiree predeceases. The gross plan is, indeed, “gross” from a tax perspective, and retirees must pay any income tax liability on the pension payments. The net plan lacks the commutation and unreduced early retirement features, as well as the optional survivor feature. The net plan is paid net of tax, with a provision for the retiree to receive a supplemental payment to cover any income tax levied on the pension payments. Please note that the early unreduced pension at age 50 is only available under certain conditions. Also, although the Gross Plan allows retirees to give optional survivor pensions to former spouses, in such case, the retiree's benefits will be irrevocably reduced, and the option becomes effective only one year after the election is made.
- 2.15 Both pension plans accept support payments to a former or legally separated spouse pursuant to a court order. Under both Plans, a legal obligation to make child support payments would also be accepted pursuant to a final order of a court. A court order must be correctly prepared to ensure acceptance by the Staff Retirement Plan. Many provisions apply to such an order (see paragraph 6.6, page 24).

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<sup>9</sup> Staff Retirement Plan participation is mandatory for Regular, Open-ended and Term appointments. It is not available to other appointment types. Extended Term Consultants and Extended Term Temporary appointments do not participate in the Staff Retirement Plan, but do participate in a similar “termination indemnity” benefit equal to 15 percent of final salary per year and fraction of year worked, payable when the appointment ends.

<sup>10</sup> Many employees hired prior to April 15, 1998 commenced pension plan participation on April 15, 1998, and are thus in the net plan. Please note that employees who were hired prior to April 15, 1998 as long term consultants/temporaries and who met the eligibility rules received past pension credits under the net plan.

***BENEFIT SUMMARY: LIFE INSURANCE***

- 2.16 Most employees have World Bank Group-paid basic life insurance coverage equal to their annual net salary if they participate in the “gross plan” pension, and three times their annual net salary if they participate in the “net plan” pension.<sup>11</sup> As of January 1, 2015, this provision of life insurance of three times net salary will no longer be provided for net plan. In either case, the employee may purchase additional optional life insurance such that total World Bank Group plus optional coverage is six times annual net salary or less.
- 2.17 The beneficiary of any life insurance claim is specified by the employee. The employee may change this beneficiary at any time, and the latest beneficiary form on file at the World Bank Group at the time of death governs the distribution of insurance proceeds.
- 2.18 The life insurance policy contains a provision that allows an employee to assign ownership of the policy to another individual or entity (such as a trust). Once assigned, only the policy owner (and not the employee) can change aspects of the coverage or beneficiary. Assignment of life insurance for active staff is binding on life insurance for retirees.
- 2.19 The World Bank Group also offers a modest optional dependent life insurance policy to eligible employees that covers the spouse (or registered domestic partner) of an employee, plus any eligible children.<sup>12</sup> The coverage is either standard (providing US\$20,000 coverage for the death of a spouse, and US\$8,000 coverage for the death of an eligible child), or high (providing US\$50,000 coverage for the death of a spouse, and US\$10,000 coverage for the death of an eligible child). The beneficiary is automatically the employee.

***BENEFIT SUMMARY: ACCIDENT INSURANCE***

- 2.20 Most employees have World Bank Group-paid basic accident insurance coverage equal to three times annual net salary.<sup>13</sup> Regular, Open-ended and Term appointments may purchase additional optional accidental death insurance that doubles the World Bank Group-paid basic coverage for themselves only, or for themselves and any eligible dependents (see paragraph 2.24 below). Accidental Death and Dismemberment insurance covers accidental deaths only, and has many exclusions including natural causes, suicide, and death while serving in the armed forces of any country.

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<sup>11</sup> Extended Term Consultants and Extended Term Temporaries receive World Bank Group life insurance benefits equal to one times annual net salary (or equivalent if the employee is paid gross per annum), and cannot purchase optional life insurance. Short Term Consultants and Short Term Temporaries are not eligible for life insurance coverage.

<sup>12</sup> Extended Term Consultants and Extended Term Temporaries are not eligible for dependent life insurance.

<sup>13</sup> Short Term Consultants and Short Term Temporaries are covered by a limited accidental death insurance policy only while on operational travel.

- 2.21 Bank/Bank couples who are eligible to purchase Optional Group Accident family level, must decide which will purchase Individual and which will purchase Family. The Optional Group Accident policy does not allow both to purchase Family level.
- 2.22 The beneficiary of any Accidental Death and Dismemberment insurance claim is specified by the employee. The employee may change this beneficiary at any time, and the latest beneficiary form in effect at the time of death governs the distribution of insurance proceeds.
- 2.23 The Accidental Death and Dismemberment insurance policy contains a provision that allows an employee to assign ownership of the policy to another individual or entity (such as a trust). Once assigned, only the policy owner (and not the employee) can change aspects of the coverage or beneficiary.
- 2.24 The Accidental Death and Dismemberment insurance policy includes automatic coverage for the accidental death of eligible dependents, defined as the spouse (or registered domestic partner) of an employee, plus any eligible children. The coverage is 50 percent of the employee's basic coverage for accidental death of a spouse or domestic partner, or 25 percent of the employee's basic coverage for accidental death of an eligible child. If the employee has purchased optional dependent coverage, the basic coverage is doubled. The beneficiary in the event of the accidental death of a dependent is automatically the employee.

***BENEFIT SUMMARY: MEDICAL INSURANCE***

- 2.25 The World Bank Group sponsors a comprehensive medical, dental and prescription drug insurance plan for eligible employees<sup>14</sup> and their dependents. Enrollment in the MIP is optional. Once enrolled, a spouse's coverage must stay in effect until the couple divorces (unless the spouse consents in writing to ending their dependent coverage).
- 2.26 For full treatment of MIP Continuation (the ability of an MIP participant who loses eligibility to remain in the MIP for up to three years following loss of eligibility, similar to COBRA provisions), see Appendix D, page 53).

***BENEFIT SUMMARY: EXPATRIATE BENEFITS***

- 2.27 Expatriate employees<sup>15</sup> appointed to an Open-ended, Term or Executive Director Advisor position subject to international recruitment on or after July 1, 1999 and whose duty station is the United States are eligible to receive a mobility

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<sup>14</sup> Short Term Consultants and Short Term Temporaries are not eligible for medical insurance coverage.

<sup>15</sup> An expatriate employee at Headquarters is defined as an employee recruited to a career position subject to international recruitment who does not hold a U.S. passport or U.S. Permanent Residency ("green card") at the time of appointment (or at any time in the 12 months preceding appointment), or at any time after appointment.

premium.<sup>16</sup> The mobility premium is paid for a period of 10 years with a gradual reduction in payments starting in year 5. Prior service for the World Bank Group in receipt of expatriate benefits may count towards the 10-year period. The mobility premium clock is suspended while a staff member is on an extended field assignment or telecommuting.

- 2.28 Employees hired prior to July 1, 1999 who are eligible for expatriate benefits receive a different form of benefit: Home Country Travel and Education Benefits.<sup>17</sup> Home Country Travel consists of a trip from Washington, D.C. (or the staff member's duty station if the staff member is on an extended field assignment) to the employee's home country once every two years. Education benefits consist of World Bank Group financial support for tuition payments for eligible dependent children at private schools (through high school) and private universities (the university must be outside the duty station country of the employee, normally outside the United States). The World Bank Group generally pays 75 percent of tuition and related costs (e.g., textbooks, room and board/subsistence for university-level education, etc.), plus travel benefits if the education is received in a different country from the staff member's duty station.

***BENEFIT SUMMARY: SEPARATION GRANT***

- 2.29 Employees who were appointed to a Regular or Fixed Term appointment prior to April 14, 1998 and who have been in continuous service since are eligible for a separation grant upon termination of employment. Employees in the net pension plan are not eligible, and the small number of employees who are in the gross pension plan due to pension transfer but who joined the World Bank Group after April 14, 1998 are also not eligible.
- 2.30 The separation grant is computed as two weeks of final net salary for each year (including fractional amounts) of continuous eligible service, up to 26 years of eligible service. Eligible service is the date of appointment to a Fixed Term or Regular appointment or July 1, 1979, whichever is later. Periods of leave without pay or external service without pay for more than 30 consecutive calendar days do not count as eligible service.

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<sup>16</sup> A small number of employees eligible for expatriate benefits hired after July 1, 1999 receive home country travel and education benefits, not mobility premium. Reasons include transfer from another World Bank Group appointment where home country travel and education benefits were offered, transfer from the IMF, a marriage to a World Bank Group employee receiving home country travel and education benefits, or an extended field assignment (during which mobility premium is suspended). See paragraph 2.28.

<sup>17</sup> Eligible employees include expatriate appointments at Headquarters prior to July 1, 1998, plus internationally-recruited expatriate appointments from July 1, 1998 through June 30, 1999.

***BENEFIT SUMMARY: RESTORATION OF TERMINATION GRANT***

- 2.31 A small number of employees transferred from a World Bank Group Country Office to Headquarters before April 14, 1998.<sup>18</sup> These employees were paid a termination grant in local currency upon departure from the Country Office appointment. The World Bank Group allows such employees the opportunity to restore this payment and to receive the termination grant benefit upon end of employment based on final net salary from Headquarters.

***BANK/BANK AND BANK/FUND COUPLES***

- 2.32 Special rules govern the benefits given to World Bank Group staff members who are married to one another and to World Bank Group staff who are married to International Monetary Fund staff members.

***BANK/BANK AND BANK/FUND COUPLES: DEPENDENCY ALLOWANCE***

- 2.33 Both the World Bank Group and the International Monetary Fund have similar rules governing dependency. A child cannot be a dependent in more than one household. Each organization evaluates every divorce to determine which parent provides principal support, taking many factors into account. Bank/Bank and Bank/Fund couples can refer to: <http://go.worldbank.org/XZWKP9K6M0>
- 2.34 Many permutations exist depending on expatriate benefit eligibility.
- 2.35 For Bank/Bank couples where both parents are eligible for home country travel/education benefits or for mobility, a divorce will create an entitlement for each spouse under the same type of benefit (home leave/education versus mobility premium). In the mobility premium case, the entitlement uses each staff member's eligibility and zone. Mobility premium for child dependents are paid only to the staff member who receives dependency allowance for the child.
- 2.36 For Bank/Fund couples eligible for home leave/education, divorce has no impact, since each staff member while married had the capability of accessing each benefit from each organization, although "double-dipping" was prohibited.
- 2.37 For Bank/Fund couples where the Fund employee receives home leave/education and the Bank Group employee receives mobility premium, a divorce has no spousal impact since neither the World Bank Group nor the Fund offered spousal expatriate benefits. Whichever parent receives dependency allowance for a child would receive expatriate benefits for that child.

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<sup>18</sup> Many employees transferred from a Country Office to Headquarters after April 14, 1998. The termination grant liability for these employees (earned while appointed to a Country Office as a Local Regular or Local Fixed Term appointment prior to April 15, 1998) is incorporated into the net pension plan benefit of such employees, and is not reported separately.

### 3 SUPPORT ORDERS AND GARNISHMENT

#### *INTRODUCTION*

- 3.1 The World Bank Group has a Staff Rule regarding staff compliance with family obligation.<sup>19</sup>
- 3.2 The spouse (and the spouse's attorney) must ensure that support orders and/or garnishment orders are specific and unambiguous about how often payments must be made, the amount of payments, who should pay, when payments end (if applicable), and how payments should be made.<sup>20</sup> The information in the support order must indicate a "readily ascertainable" and a "due date" for payments. For garnishment purposes, the World Bank prefers that court orders specify an amount owed rather than a percentage of salary.

#### *CHILD SUPPORT ORDERS*

- 3.3 Child support is administered differently in each state:
- In the District of Columbia<sup>21</sup>, all child support payments are processed by the Child Support Clearing House.
  - In Maryland<sup>22</sup>, once an order for support has been issued by the court, the payee can go to the Maryland Department of Human Resources, Office of Child Support (there is one in each county), and request that child support payments are redirected through the Maryland Child Support Account.
  - In Virginia plaintiffs can ask for child support payments to be ordered payable to the Department of Child Support Enforcement (DCSE).<sup>23</sup>

#### *WAGE GARNISHMENT ORDERS*

- 3.4 A wage garnishment order is an order for an employer to deduct amounts from an employee's paycheck, and remit those deductions directly to a third party. As such, a wage garnishment order may be directed as a matter of court routine to the World Bank Group as the staff member's employer. However, due to its privileges and immunities, the World Bank Group cannot comply with such an order.
- 3.5 However, wage garnishment orders for spouse and/or child support are an exception. When the World Bank Group receives a wage garnishment order for spouse or child support, the World Bank Group may authorize deductions from

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<sup>19</sup> see Staff Rule 3.06 Family Obligations

<sup>20</sup> Please note despite the payment due dates outlined on the order HR will deduct half of the ordered amount on the 15<sup>th</sup> and the other half on the 30<sup>th</sup> of the month.

<sup>21</sup> <https://cssd.dc.gov>

<sup>22</sup> <http://dhs.maryland.gov/child-support-services/>

<sup>23</sup> <https://www.dss.virginia.gov/family/dese/>

the wages of an employee in accordance with the garnishment order (see paragraph 3.6 below). However, regardless of the order disbursement instruction the Bank will issue half of the payment on the 15<sup>th</sup> and the other half on the 30<sup>th</sup> of each month. The World Bank Group has internal procedures that must be followed before deducting any amount from an employee's salary for spouse and/or child support.

### ***NON-COMPLIANCE WITH SPOUSE AND/OR CHILD SUPPORT ORDERS***

- 3.6 If an employee does not comply with court-ordered payments for spousal and/or child support, the following procedures should be followed:
- The spouse's lawyer should submit a copy of the original court order to the World Bank Group Legal Department, with a copy to the World Bank Group Office of Ethics and Business Conduct.
  - To facilitate the World Bank Group's understanding of the situation, the court order should be accompanied by a cover letter stating the nature of the matter, the date of issuance of the court order, the deadline, and other details of payments that must be met by the employee, and the action needed (e.g., encouraging the employee to comply with the court order by arranging for regular automatic electronic payments to the spouse).
- 3.7 The World Bank Group's Legal Department will respond to the letter and, if no additional information is required from the sender, refer the matter to the World Bank Group's Business Conduct Department (EBC). EBC will contact the employee to encourage the employee to comply with the court order within five (5) business days and inform the employee of the possible consequences of not complying with the court order.<sup>24</sup> If the employee fails to comply within this time, EBC may authorize deductions and notify payroll to begin making deductions for the amounts due from the employee's salary in accordance with the court order.<sup>25</sup>

### ***REPEATED NON-COMPLIANCE OF PAYMENT FOR SPOUSE/CHILD SUPPORT***

- 3.8 If the World Bank Group receives a subsequent court order or request for the payment of spouse or child support regarding the same staff member, or receives a complaint (together with the court order) about a late or partial payment for spouse or child support already ordered by a court, the World Bank Group's Business Conduct Department (EBC) will contact the staff member and give the

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<sup>24</sup> The five (5) business days begins from the point EBC notifies the staff member of the support order. However, there are times where EBC may allow a staff member more time to respond if they can show good cause (i.e. on mission or have a medical emergency).

<sup>25</sup> Depending on when notice was given to Payroll, the garnishment may not take effect until the next pay cycle. Payroll also has their own guidelines on when deductions are made which can affect the amount of time it takes for deductions to occur. Additional delays can occur depending on the jurisdiction's payment mechanisms or if a garnishment needs to be done in a different currency than the one the staff member gets paid.

staff member three (3) business days to demonstrate to the satisfaction of EBC that he/she complied with the court order. Otherwise, the World Bank Group will authorize the deductions for spouse or child support from the staff member's salary in accordance with the court order. The procedure to follow is:

- The spouse's lawyer should submit a copy of the original court order to the World Bank Group's Legal Department, with a copy to EBC (see Appendix F, page 57).
- To facilitate the World Bank Group's understanding of the situation, the court order should be accompanied by a cover letter stating the nature of the matter, the date of issuance of the order, the deadline, and proof of repeated payment non-compliance.
- The World Bank Group's Legal Department will respond to the letter and refer the matter to EBC for action. (See paragraph 3.7 above.)

3.9 You should familiarize yourself with Appendix A of this document. Note that all Staff Rules may change without prior notice. It is always prudent to verify the correct version of Staff Rule 3.06 by accessing [http://siteresources.worldbank.org/INTSTAFFMANUAL/Resources/StaffManual\\_WB\\_web.pdf](http://siteresources.worldbank.org/INTSTAFFMANUAL/Resources/StaffManual_WB_web.pdf).

## 4 SERVING SUBPOENAS AND OTHER COURT ORDERS

### *HOW TO ISSUE AND SERVE PAPERS ON A WORLD BANK GROUP STAFF MEMBER*

- 4.1 Subpoenas<sup>26</sup> and court orders can be “served” on different categories of respondents by several different procedures, and “service” is necessary for the subpoena or court order to be enforced. The requirements for valid process service vary among jurisdictions. Generally, the process for service over property issues (“*in rem*”) is different from that for service over people (“*in personam*”):
- If *in rem* jurisdiction over property is sought, and/or no action is required by the recipient to allow this, then service can occur by a wide range of methods including sending the papers by certified mail, taping the papers up on the front door of the recipient’s home, or even sending by email.
  - If *in personam* jurisdiction over persons is sought, and some action will be required by the recipient, then service must occur in person. The papers must be placed into the respondent’s hand by a person whose authority to do so is recognized by the court.
- 4.2 For the purposes of protective orders and court-ordered support payments, in the Washington, D.C. metropolitan area, personal service is required. Personal service can take place in various locations including the respondent’s residence, at a port of entry into the country, or at the respondent’s workplace.
- 4.3 Subpoenas or court orders that are personal in nature from any “court of competent jurisdiction” from any country in the world must be served on the staff member personally, and not on the World Bank Group. The World Bank Group is immune from subpoenas in accordance with its privileges and immunities provided for under U.S. and international law.
- 4.4 Issuance of subpoenas or court orders against a staff member personally may offer some advantages to a spouse and be needed depending on the case and the lawyer’s advice. For example, if the staff member fails to comply with a subpoena or court order addressed to them personally, the spouse can ask the court to hold the staff member in contempt, and invoke serious penalties and sanctions, including jail. The threat of punitive judicial sanctions can act as a powerful incentive to comply.
- 4.5 Subpoenas and court orders (including domestic violence protective orders) cannot be served on a World Bank Group employee while on World Bank Group

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<sup>26</sup> A subpoena is “a command to appear at a certain time and place to give testimony regarding a certain matter. A subpoena *duces tecum* requires production of books, papers and other things.” (Black’s Law Dictionary) Subpoenas can be issued by a court, or by a private attorney.

premises<sup>27</sup> because the World Bank Group premises are inviolable in accordance with its immunities and privileges. However, if the intended recipient, a World Bank Group employee, is at work on World Bank Group premises, the following procedures are available:

- The server explains the purpose of their visit at the security checkpoint found in at the entrance to each World Bank Group building.
- World Bank Group's Security Operations staff will contact the World Bank Group's Legal Department, which will ascertain the intended purpose of the papers (e.g., personal matter of an employee versus a business matter of the World Bank Group).
- If the recipient is a World Bank Group staffer being served papers in their personal capacity (and not their professional capacity), the employee will be notified, and invited to step outside of the World Bank Group premises<sup>28</sup> to permit service to be accomplished.
- Should the staff member decline cooperation, they will be reminded of the World Bank Group's policy regarding personal legal obligations, and the process server will be advised to attempt service elsewhere.<sup>29</sup>EBC will be notified of the staff member's failure to respond to the subpoena.

- 4.6 If service proves difficult to accomplish due to action by the staff member (e.g., moving to an undisclosed address, embarking on extended overseas mission travel, etc.), the spouse should explore with their lawyer what alternative options under local law are available.<sup>30</sup>

### ***ORDERS AGAINST THIRD PARTIES***

- 4.7 U.S. financial institutions including the Bank-Fund Staff Federal Credit Union do not enjoy privileges and immunities, and must honor subpoenas for information.

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<sup>27</sup> "World Bank Group premises" refers to all spaces inside and within any building owned, occupied or leased, whether in whole or in part, by the World Bank Group.

<sup>28</sup> See Footnote 27.

<sup>29</sup> EBC does not consider failure to respond to a subpoena as an act of misconduct absent other facts.

<sup>30</sup> Staff Rule 2.01 allows the World Bank Group to disclose an employee's mailing address upon the receipt of a certified copy or original request in divorce or family maintenance cases.

## 5 THE G4 VISA

### *RESTRICTIONS AND PRIVILEGES*

- 5.1 About 65 percent of the World Bank Group staff in Washington, D.C. are non-American, about half of whom work and reside in the United States on G4 visas.<sup>31</sup> G4 visas are issued to foreign nationals living in the United States and working for certain international organizations. The G4 visa is a non-immigrant visa (meaning that it does not automatically lead to US Legal Permanent Residency), and the principal G4 visa holder and any dependent G4 visa holders are considered “non-resident aliens.”
- 5.2 There are some limited privileges and immunities associated with principal G4 visa holders. The immunities relate to World Bank Group business and taxation and do not apply to crimes committed in the U.S. G4 visa holders do not enjoy diplomatic immunity and must comply with all U.S. laws, including family law.
- 5.3 One important privilege for G4s and their dependents is that of relatively unrestricted re-entry into the United States while their visas are valid. It is important, however, to remember that G4 visas are nonimmigrant and therefore G4 visa holders should not express any intention or interest in remaining permanently in the U.S. when passing through immigration inspections at ports of entry. Also, G4 visa holders and their dependents are exempt from jury duty and military service in the United States.
- 5.4 One important restriction applies to dependent G4 visa holders seeking employment in the United States. Such individuals generally require a work permit (Employment Authorization Document or “EAD”) to work in the United States. Once an EAD is obtained, any income earned by a dependent G4 visa holder is fully taxable in the United States, although tax liability may be affected by tax treaties which the United States maintains with other countries, and other factors. (See paragraph 5.10, page 17.)

### *RENEWING A G4 VISA*

- 5.5 A G4 visa is valid for a period that depends on the nationality of the G4 visa holder (reciprocity considerations) and the duration of the principal G4 visa holder’s employment contract with the World Bank Group.
- 5.6 G4 visa holders must remain aware of when their visas expire to ensure timely renewal. Renewal within the United States should be requested no less than 60 days prior to expiration, and no more than 6 months prior to expiration. G4 visa renewal services are provided by the World Bank Group as long as the employee remains employed by the World Bank Group on a Regular, Open-ended, Term or

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<sup>31</sup> The remaining group of employees is typically U.S. Permanent Residents.

Extended Term appointment, or as a Short Term consultant or Short Term temporary with a 150-day contract. Renewal requests should be made as early as possible within the 60-day period prior to expiration of the current visa.

- 5.7 The U.S. State Department requires renewal of dependent G4 visas at the same time as the principal employee's G4 visa, if the visas expire within 60 days of each other. Each employee is responsible for renewal in a timely fashion.

### ***I-94 CARDS***

- 5.8 Until 2013, upon entry to the United States an I-94 card would be provided to a G4 visa holder by airlines or completed at the port of entry and attached to the passport. U.S. Customs and Border Protection ("CBP") now gathers all required entry/exit information automatically and stores it electronically for all persons arriving via air or sea. Upon arrival, the CBP officer stamps the passport or travel document of each traveler with the date and class of admission and the term of admission, which is typically "D/S" (Duration of Status). "D/S" means that the passport holder has the designated legal status in the United States even if the G4 visa in the passport has expired, as long as he/she continues to be employed by the World Bank Group or is a dependent of the principal G4 visa holder, who has their duty station in the United States and remains employed by the World Bank Group. It is advisable to print a hard copy of the I-94, which may be accessed by entering the requested data on the CBP Online I-94 website at <https://i94.cbp.dhs.gov>. A hard copy of the I-94 is necessary for any change or adjustment of status, or for other purposes.
- 5.9 Anyone who still has an old paper I-94 card in their passport will surrender it to a CBP officer (or airline employee) upon departure from the United States. The traveler must ensure that the I-94 card is surrendered before leaving the United States, or the passport holder may encounter problems upon re-entry. Individuals with electronic I-94 records will have their machine-readable passport scanned upon departure from the United States, creating an exit record.

### ***GETTING A WORK PERMIT***

- 5.10 Many G4 dependent spouses want to work in the United States. Unless the G4 dependent finds work in an international organization and becomes a G4 principal, a work permit (or Employment Authorization Document "EAD"), issued by U.S. Citizenship and Immigration Services ("USCIS") is required.
- 5.11 The work permit application package can be downloaded using any computer connected to the World Bank Group Intranet (see <http://visa>), including those in the WBFN and in the Job Search Center, which are available for use by spouses. Call WBFN at 202-473-8751 or Global Mobility 202-473-2445 for locations.

- 5.12 The principal G4 visa holder (World Bank Employee) must provide their passport and visa information required for completion of a work permit application for their dependents. The World Bank Group's Human Resources Operations will assist any dependent unable to obtain this information independently in connection with their work permit application.

### ***LOSS OF G4 STATUS***

- 5.13 The dependent G4 visa status of spouses residing in the United States can be terminated as a result of various scenarios, such as:
- The G4 principal employee departing the U.S. for an overseas assignment or otherwise living abroad;
  - A final divorce decree between the G4 principal and G4 dependent spouse;
  - Termination of the G4 principal employee's employment; or
  - Death of the G4 principal employee.
- 5.14 A G4 dependent may remain in the United States for only 30 calendar days following the loss of G4 status, e.g., 30 days from the date of a final divorce decree, unless an application for change or adjustment of status is filed within those 30 days. Anyone departing the United States in these circumstances during or after this 30-day period may not re-enter the United States on the G4 visa.
- 5.15 In addition to loss of dependent G4 status due to one of the scenarios described in paragraph 5.13 above, dependent children may lose G4 status for other reasons including:
- Marriage of the G4 dependent child;
  - Loss of dependency by gaining full-time employment (unless also a full-time student);
  - Loss of dependency by earning over US\$10,712 per year (unless also a full-time student);
  - Loss of dependency by leaving the employee's household; or
  - Reaching age 25 unless disabled.<sup>32</sup>

### ***CHANGE OF STATUS FROM G4***

- 5.16 U.S. immigration law is complex, and expert legal advice tailored to each individual situation is required to determine eligibility for another immigrant or nonimmigrant status. Depending on an individual's circumstances such as country of citizenship, education level and work experience, family members' U.S. immigration status, extent of financial assets etc., the visa options available

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<sup>32</sup> In certain cultural contexts, the U.S. State Department might extend a dependent G4 visa to non-disabled dependent children above age 25 for a fixed period of time.

will vary. Some nonimmigrant visa categories, while permitting the individual to remain in the United States (as a visitor or student, for example) do not allow the visa holder to work in the United States, except in limited circumstances. Other visa categories are employer-specific or may present limitations on the type of work for which the individual may be authorized to engage in.

- 5.17 A person may hold only one type of nonimmigrant status at a time. It is always highly advisable for any G4 dependent filing an application for a different class of visa to engage an immigration attorney.
- 5.18 An application for change of status must be filed before the individual falls “out of status” (defined as remaining in the United States after one’s visa status ends or they have been declared to be out of status by USCIS or an Immigration Judge). Failing to file in a timely manner seriously compromises the chances of successfully obtaining an alternative visa, and may in some cases result in more serious consequences, such as ineligibility for future visas or automatic inadmissibility to the United States following departure after lengthy periods of time out of status.
- 5.19 For World Bank Group spouses who divorce, the need for an alternative to the G4 dependent visa (and work permit, where applicable) is typically a critical issue. In such cases, the following options may be available to a G4 dependent:
- Remain in the United States for up to 30 days following the final divorce decree, and then depart.
  - Apply for a change in visa status, if eligible. Application for a change in visa status must be made within the 30-day period following the final divorce decree. By applying for a change in visa status, the applicant may be able to remain in the United States beyond the 30-day period mentioned above, including whatever period of time it takes USCIS to process or adjudicate a bona fide application for change of status, which can often take several months or more.
  - Stop work as of the date of the final divorce decree if employed based on an EAD obtained through G4 dependent status, even if the EAD was issued for a much longer period (the EAD becomes invalid upon termination of G4 status). To continue with employment in the U.S., another immigrant or nonimmigrant visa category must be applied for and obtained.
  - Apply for a change or adjustment of status prior to the 30-day grace period, although this option can be difficult, particularly when applying at U.S. consulates abroad, since there is a longstanding policy that the “superior” visa category is mandatory when an individual qualifies for more than one visa category, and the G4 visa is normally consider “superior” to other visa classes. This does not apply to adjustment of status (from G4 or another nonimmigrant visa to Legal Permanent Residence).

- 5.20 Physical separations and legal separations do not invalidate the G4 dependent's visa status. Only a final divorce decree has that result.

***VISA OPTIONS FOR DEPENDENT G4 SPOUSES AFTER DIVORCE***

- 5.21 Dependent G4 visa holders who divorce often wish to remain in the United States. While many immigration options exist, not all are available to all applicants. Competent advice must be sought from an experienced immigration attorney. Solutions may include:

- Options based on other family relationships, which can ultimately lead to U.S. citizenship, including:

An immigrant petition by a U.S. citizen child (or step-child in some cases) who is 21 or older.

N visa status through a child younger than 21 who already has obtained Legal Permanent Residency.

Sponsorship by other U.S. citizen relatives who may have filed immigrant petitions in the past.

Remarriage to a new U.S. Citizen spouse (even after the 30 day grace period expires)

- Options involving employer sponsorship, including:

Employer sponsorship, leading to Permanent Residency. Some types of employment-based immigrant petitions require labor certifications, which are complex and require planning well ahead, while other categories for aliens of outstanding ability in certain fields may be faster but may be much harder to qualify for.

Employer sponsorship for an H-1B visa for professional, specialized-knowledge positions. Due to an annual quota on H-1B visas, the timing of such a petition may affect availability of this option.

E-2 treaty investor or E-1 treaty trader petitions, which typically require a substantial investment or volume of trade in a non-marginal, active, entrepreneurial business venture in the United States. The E-2 visa is limited to citizens of countries which maintain a bilateral investment treaty with the United States which supports E-1 or E-2 status. There are other requirements for this visa category, which require the advice of an attorney knowledgeable about E-2 visas.

- Options that do not allow the visa holder to work, but do allow continued stay in the United States for a defined period, include:

B-2 visa status, so that personal business can be completed before leaving the U.S. (typically for 6 months), for extended family visits,

selling property and closing accounts, legitimate tourist activity, or medical treatment.

F-1 student or J-1 trainee visas that may include limited employment provisions.

- Options for domestic violence victims, including:

U visa (see page 33).

Special Immigrant petitions for U.S. Legal Permanent Residency under the Violence Against Women Act (VAWA). This option can apply to men as well as women and children.

- A national of a country eligible for the U.S. State Department's annual "green card lottery" may apply to the lottery and, if selected, receive Permanent Residency, although this option should not be counted on as a primary plan.

5.22 See Appendix B (page 40) for a full treatment of many of these options.

### ***THE G4 VISA AND DIVORCE IN VIRGINIA***

- 5.23 In 2000, the Virginia Court of Appeals upheld a lower court ruling that a World Bank Group employee and principle G4 visa holder who sought divorce from her husband (also a World Bank Group employee and principal G4 visa holder) failed to prove she was a *bona fide* resident and domiciliary of Virginia.<sup>33</sup> Many World Bank Group couples (including G4 couples) living in Virginia subsequently have obtained a divorce through Virginia courts despite this ruling. Often it is helpful to demonstrate to the court that the party is seeking, or has obtained, or is eligible for, other U.S. nonimmigrant or immigrant visa status, which can overcome some of the jurisdictional concerns of the Court. Individuals may wish to consult with both their divorce attorney and an immigration attorney familiar with this G4 visa holders with regard to how legal precedent and legal posture in any particular case may or may not impact their divorce proceeding. It may also be helpful to retain a knowledgeable immigration attorney as an expert witness for the Court proceedings as well.
- 5.24 Individuals may wish to consult their attorney with regard to how this case may or may not impact their divorce proceeding.
- 5.25 This case does not affect the powers of Juvenile and Domestic Relations Courts in Virginia regarding protective orders, awarding of temporary custody and visitation, child support, temporary spousal support, exclusive use of property (such as residence, vehicles), etc.

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<sup>33</sup> *Adoteye v. Adoteye*, 32 Va. App. 221, 527 S.E.2d 453 (2000).

- 5.26 This case does not affect divorce proceedings in other states, which use different determinations for eligibility for divorce under state law.

## 6 RETIREES

- 6.1 Domestic relations cases for World Bank Group retirees present similar challenges to those of active employees. However, there are important differences:
- Typically, the immigration law component is not an issue. If the couple resides in the United States post-retirement, typically both individuals will have permanent residency or U.S. citizenship, and not G4 visa status.
  - Retirees receive only three World Bank Group benefits: a pension, medical insurance coverage (if eligible and enrolled), and life insurance coverage (if eligible and enrolled).<sup>34</sup>
- 6.2 The World Bank Group operates a single Staff Retirement Plan, but with two distinct groups of retirees. Benefits and options differ between the two groups (see paragraph 2.13, page 6). The two groups are:
- “Gross plan” retirees, who are typically retirees who were retired or are participating in the Staff Retirement Plan on April 14, 1998; and
  - “Net plan” retirees, who joined the Staff Retirement Plan on or after April 15, 1998.<sup>35</sup>
- 6.3 The gross and net plans have different eligibility criteria, and different benefit and survivorship rules. A retiree can participate in only one plan. While the gross plan only has a defined benefit component, the net plan has two components: a defined benefit component, and a cash balance component.
- Effective January 1, 2015 Net Plan staff contributions have been restructured from fixed, mandatory contributions of 5 percent to include additional voluntary contributions (Optional Contributions of up to 6 percent, for a maximum total staff contribution of 11 percent of net salaries to the Cash Balance component. Also the existing Voluntary Savings component balances as of January 1, 2015 have been transferred to the Cash Balance component. There are also additional savings option via Bank-sponsored 401(K) plans (both Roth and Traditional) through Wells Fargo, but this is not part of the Staff Retirement Plan.
  - Net Plan are paid a lump sum benefit if participation ceases before the participant has earned ten years of service. If the Participant retires with at least ten years of service, part of the Plan benefit will be payable as a lifetime pension, and the remainder will be paid in a lump sum, which may be converted into an annuity to supplement the pension, as the Participant may

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<sup>34</sup> Retirees may receive other benefits in the period immediately following end of employment, such as resettlement benefits.

<sup>35</sup> See Footnote 10, page 6.

elect upon retirement. If the Participant dies in service, a lump sum benefit will be payable. If the participant is married on the date of death, the benefit would be payable to the spouse unless such spouse consented to the designation of another beneficiary. If the deceased participant is single, the lump sum death benefit would be payable to the designated beneficiary.

- If a Participant with 10 or more years of service dies after retirement, either a lump sum survivor benefit or a survivor annuity will be payable. If the retiree has a spouse at the time the pension commences, the survivor benefit will be payable as an annuity to such spouse, unless such spouse consents to the designation of an alternate beneficiary and/or form of benefit. If the retiree is single when the pension commences, the retiree may designate a beneficiary to receive either a lump sum or a survivor annuity.

#### ***GENERIC SPOUSAL AND CHILD SUPPORT ORDER FOR ALL PARTICIPANTS***

- 6.4 World Bank Group’s Pension Administration has online resources to assist attorneys with preparing appropriate instructions to accommodate decisions reached in divorce proceedings. A generic Spousal Support Order template is available with appropriate optional language for gross plan participants and net plan participants.<sup>36</sup> Spousal Support and Child Support Orders should be prepared correctly to ensure that neither the participant, retired participant, or the Benefits Administrator may convey an interest in the Retirement Trust Fund of the Plan or in the pension or other benefits of a participant or retired participant to any person.

#### ***GROSS PLAN PARTICIPANTS ONLY***

- 6.5 During retirement, a retiree may elect an optional survivor pension (which reduces the retiree’s pension) within 180 days of the following life events:
- Marriage after retirement
  - Divorce after retirement
  - Birth/adoption after retirement
- 6.6 World Bank Group’s Pension Administration has many resources and forms available for gross plan participants to assist attorneys with preparing appropriate instructions to accommodate decisions reached in divorce proceedings:
- A document entitled “Payment of Spousal Support from Participant’s Plan Benefit” under the World Bank Group’s Staff Retirement Plan” which includes a generic Spousal Support Order and an Acknowledgment of Legal Obligation to Pay Spousal Support template used by retirees to instruct World

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<sup>36</sup>See Contact Pension Administration for more information

Bank Group's Pension Administration with regard to execution of court orders.<sup>37</sup>

- A document entitled "Support Payments: Payment of Spousal Support from Participant's Pension"<sup>38</sup>
- Form 2369, Election of Pension for Former Spouse.<sup>39</sup>

## 7 DOMESTIC ABUSE AND PROTECTIVE ORDERS

### *INTRODUCTION*

- 7.1 As a response to advocacy for family welfare, the World Bank Group has taken special measures to help reduce harm from abusive domestic behaviors within the World Bank Group community. The World Bank Group's corporate response to domestic abuse includes institutional policies and practices as well as certain services that are made available to victims of domestic abuse.

### *DAPP*

- 7.2 The domestic abuse prevention program (DAPP) is a free, confidential, counseling, referral and case-management service dedicated to domestic abuse issues. The DAPP can be reached at 202- 458-5800 at any time of day, any day of the week. Help is available in many languages besides English.
- 7.3 The scope of the DAPP's assistance for domestic abuse cases includes crisis help, safety and welfare of adults as well as children, physical and mental health, accommodation, and provision of confidential referrals for abusers who seek help in changing their behavior. Assistance may be offered in several ways:
- The DAPP helps clients identify the various options available for obtaining protection and support.
  - The DAPP can refer to the Domestic Violence Legal Empowerment and Appeals Project (DV LEAP) for legal information and attorney referrals for protection order, family law and immigration matters.
- 7.4 World Bank Group employees and spouses who are domestic violence victims may qualify for limited financial assistance to apply towards the cost of obtaining a protection order.
- 7.5 DV LEAP attorneys are available to consult about the domestic violence and custody aspects of the case but will not act as attorneys for clients or directly represent them. DV LEAP consultants will provide legal information, options and resources but will not provide legal advice. DV LEAP consultants will make referrals to attorneys with domestic violence legal expertise. The DAPP, case managers, or counselors makes referrals to DV LEAP.

### *REPORTING AND DOCUMENTING DOMESTIC ABUSE INCIDENTS*

- 7.6 Every case of domestic abuse is different in terms of safety considerations and actions that will help protect the victim and other at risk family members. As always, consulting with a professional experienced in domestic violence victims, advocacy and/or law may be helpful in deciding which actions listed below are safest to take:

- Victims and/or their children experiencing domestic abuse or family violence may need to call the police in instances in which they are experiencing conflict, threats, and/or physical harm by the abuser. Police can be reached by calling 911. When the police arrive, it is a good practice to record the name and badge number of the officer who responds and the number of the report. If possible, get the police officer's business card.
- The police officer will conduct an investigation. The investigation may include interviewing witnesses orally, getting signed statements from victims and witnesses, and photographing injuries and/or property damage. Many jurisdictions require the officers to fill out a separate domestic violence report. Depending upon the laws of the individual jurisdiction and the circumstances of the specific case, the police may make an arrest and remove the abuser from the home at this time. Otherwise, the officers will just try to resolve the immediate problem.
- Even if there is not an arrest, the victim may still request that the police officer write a report and ask for a note of the case/report number. This number may be helpful to get a copy of the report later. The victim has a legal right to this report under the law. The victim should do so promptly, as the report may be needed to support later actions such as a filing for a protective order, custody, or criminal charges.
- If anyone is injured, it is the best practice for medical treatment to be obtained as soon as possible. Make sure any injuries are documented by the police and the medical provider. This may be more easily accomplished at a hospital emergency room than at the office of a private doctor. (The World Bank Group's Health Services Department Clinic cannot perform this function.) Physical injuries should be photographed on the day of the assault as well as on the following three days (when bruising may become more evident).
- If appropriate, the victim should accept a police officer's offer of transportation to a hospital emergency room for treatment.
- Any damage to property from the domestic violence incident should be documented by photographing the damage.
- If the domestic abuse incident was not reported to the police at the time of occurrence, the victim can still call the police at a later time and ask the police to document the complaint of abuse.

### ***PROTECTION FROM FUTURE DOMESTIC VIOLENCE INCIDENTS***

- 7.7 In the United States, domestic abuse victims can petition for a protective order before the courts, which forbids the abuser from further violence against the victim(s). Every jurisdiction varies regarding who is eligible to obtain a protective order, the standard that needs to be proven to obtain a protective order, the relief available, and the process for obtaining the protective order.
- 7.8 Seeking a protective order is an action handled in the civil court system but subsequent violations of the protective order also may involve the criminal justice system, depending upon the jurisdiction. Protective orders can be useful

in helping to keep the abuser away from the victim, their residence, their work and perhaps even day care providers and schools. Victims may be able to seek temporary custody, support, use and possession of the home or vehicles, and other economic remedies depending upon the state's laws.

### ***THE TEMPORARY PROTECTIVE ORDER***<sup>40</sup>

- 7.9 A temporary protective order is an order issued by a court. To obtain a temporary protective order, the victim may file a petition with the court, or in some jurisdictions, the victim may contact the police for help obtaining an emergency order. Then, a hearing will be scheduled before the court. While victims can represent themselves in obtaining a protective order, it is helpful to have legal representation and/or victim advocacy. This is not a process that the victim should go through alone and unprepared. In some jurisdictions, victim advocates may be available to assist victims in filing protection orders. Some jurisdictions also may have legal programs that can provide attorneys (some free of charge depending upon the individual client's resources) to represent victims in protective order proceedings. The DAPP maintains a list of family law, immigration and criminal attorneys, and referrals may be made after consultations with a DV LEAP attorney victim advocate personnel who are knowledgeable about domestic violence and the court process may be helpful in explaining options and the procedures involved. Sometimes domestic violence victim advocates can assist the victim with filling out whatever forms are necessary and assessing their safety. They also may be able to accompany the victim to court appearances and provide moral support.
- 7.10 If a victim chooses to file a temporary protective order, he/she will fill out the required paperwork and have a hearing before the judge to explain why a protective order is needed. This hearing usually takes place the same day (or the next day in some cases if the court is near closing time) and the hearing is "*ex parte*," which means that only the victim needs to be present. The abuser does not need to be there (and, indeed, is only rarely present).
- 7.11 At the temporary protective order hearing, the victim can, depending upon the jurisdiction, request the conditions listed below. Some of these items may appear in a preprinted checklist on temporary protective order forms, while others may need to be added, or modified, as appropriate to the individual situation:<sup>41</sup>
- The abuser must not assault, stalk, threaten or harass the victim or their children in any way.
  - The abuser must remain a certain distance away from the victim at all times.

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<sup>40</sup> The temporary protective order is also called a temporary restraining order, a preliminary protective order, or a preliminary restraining order, depending on the jurisdiction.

<sup>41</sup> Please note that the relief described here is also available as part of the final protective order.

- The victim shall have exclusive use of the marital residence. The abuser must vacate the residence. The manner and time of this event must be specified. Additionally, the abuser must refrain from reentering the home, surrender all keys, refrain from damaging the premises or property, and refrain from shutting off utilities or altering mail service.
  - The victim shall have exclusive use of at least one vehicle.
  - The victim shall have temporary custody of any minor children.
  - The abuser shall refrain from contacting the victim and their children.
  - If there is any reason to fear that the abuser might abduct the children to a foreign country, the minor children’s passports should be surrendered to the court, or to the custodial parent, under conditions of time and place that are specified in the temporary protective order.
  - The judge may award supervised or unsupervised visitation rights to the abuser. The time, place and conditions for exchange of the children between the parents must be carefully and fully specified in the temporary protective order.
  - In case of visitation rights of children, victims should consider that the temporary protective order requires written (including via email) documentation of the precise arrangements (who, time, place for pick up and drop off) for each and every visitation.
  - Victims also may be granted support for their children, money for rent, mortgage, utilities, and other reasonable living needs, depending upon the jurisdiction.
  - Victims may also request the removal of firearms as a form of relief.
- 7.12 The court will issue a written temporary protective order if the victim meets the burden of proof under the law of that state and schedule a final protective order hearing within a specified period of time set out under the state’s law. If the temporary protective order is granted, the victim will receive a copy of the temporary protective order and should keep this copy with them at all times and provide a copy to the schools, day care provider, etc.
- 7.13 Please note that rules for service vary by jurisdiction and concerned parties should consult legal counsel on the applicable rules in their cases. In some jurisdictions, the abuser must be served in person with a copy of the judge’s temporary protective order. Otherwise, the temporary protective order is not enforceable. (See Chapter 4, page 14) regarding serving papers on World Bank Group staff and how to optimize compliance with the temporary protective order.)<sup>42</sup> “Service” is usually performed by a police officer or sheriff from the county where the temporary protective order is sought, but there are also other means of service in some jurisdictions, such as private process servers or, in the District of Columbia, adults over 18 years of age can perform service.

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<sup>42</sup> Temporary protection orders can be continued if service is not successful on the first attempt.

- 7.14 After successful service, the server will file a document in the court's case file that indicates service took place. This document makes the temporary protective order enforceable, and is required for a final protective order hearing.
- 7.15 Bearing in mind that information on household income will be needed at the ensuing final protective order hearing in order to set support for the victim(s), the victim and their attorney should immediately take steps to obtain information on the abuser's income (see Chapter 2, page 3).

### ***THE FINAL PROTECTIVE ORDER***<sup>43</sup>

- 7.16 A final protective order is also issued by a court. Victims are strongly advised to have legal representation for this hearing and need to select a lawyer who is experienced in domestic abuse cases in that particular jurisdiction. The World Bank Group's Domestic Violence Prevention Coordinator maintains a list of domestic violence attorneys, and referrals may be made after consultations with a DV LEAP attorney.
- 7.17 A victim should discuss with their attorney what to expect from the hearing including testifying, cross examination and what it may feel like to have to reveal personal and painful experiences in open court. It is important for the victim to be prepared as information and documents may need to be produced at the hearing, especially if the victim seeks spouse and/or child support from the abuser (see paragraph 7.22).
- 7.18 On the day of a final protective order hearing, the parties may consent to the entry of a protection order rather than have a trial before a judge. A victim should not feel pressured to consent to an order if it does not protect his/her safety, the children, and their financial interests.
- 7.19 At the hearing for the final protective order, the abuser is required to appear, in addition to the victim. If the abuser fails to appear at the final protective order hearing, the default hearing will proceed. At the hearing, the victim/victim's attorney, must have Proof of Service<sup>44</sup>, i.e., that the abuser (the staff member) was personally given a copy of the temporary protective order, and has thus also been notified of the hearing (see paragraph 7.14, page 29). The abuser can have their lawyer present and will have the opportunity to contest the entry of a protective order.
- 7.20 At the hearing for the final protective order, the allegations made at the temporary protective order hearing are repeated and evidence of the abuse, including testimony of the parties, is presented. The abuser, or their lawyer, will

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<sup>43</sup> The final protective order is also called a permanent restraining order or a final restraining order or a permanent protective order in some jurisdictions.

<sup>44</sup> This is often called "Return of Service."

be able to question the victim about the incident in question and history of abuse, and the victim, or their lawyer, will be able to question the abuser.

- 7.21 The victim can ask the court for a final protective order for themselves, and also for any minor children, or others, who share the same home as the victim. Final protective orders are issued for a determined period of time pursuant to the law of the state.
- 7.22 At around the same time that the victim has the final protective order hearing, they may be required to file a request for financial support (spousal and/or child) from the abuser. Accurate information about the household income must be available to the court in order for the court to adjudicate any request for financial support in a proper and equitable manner. Chapter 2 discusses how to obtain such information regarding World Bank Group employees (see page 3).
- The victim must therefore bring to the court documentation of their own financial situation, including two or more recent pay slips, if applicable.
  - The victim must try to obtain full and accurate information on the abuser's financial situation in advance of the hearing, and must produce any information obtained.
- 7.23 Temporary child custody arrangements also can be included in the final protective order in most jurisdictions.

#### ***NON-COMPLIANCE WITH A PROTECTIVE ORDER***

- 7.24 If the abuser does not comply with a temporary protective order or final protective order, the victim should consider notifying the police immediately by calling 911. Violation of a temporary or final protective order may be a criminal offense, and if the abuser perpetrates further violence against the victim(s) in the course of the violation, prosecutors can bring additional criminal charges against the abuser. The prosecutor may elect to bring these criminal charges even if the victim does not want that to occur, but most prosecutors will consider the victim's wishes.
- 7.25 Criminal charges can result in serious consequences for an abuser who does not comply with a temporary or final protective order.

#### **ADMINISTRATIVE LEAVE FOR PROTECTIVE ORDERS**

- 7.26 World Bank Group employees who need to attend judicial or administrative proceedings to request a protective order for themselves or their dependent(s) may be granted administrative leave under the World Bank Group's Staff Rules for such proceedings (See Staff Rule 6.06).

***G4 VISA ISSUES AND ABUSE<sup>45</sup>***

- 7.27 Domestic abuse cases of G4 dependents may include threats made against visa status and the victim's right to stay in the United States. Such threats are a powerful control mechanism to intimidate victims. Such threats are patently false. An individual employee cannot grant or withdraw a G4 visa of a dependent. The U.S. State Department, working with the World Bank Group, makes such determinations.

***HELP IF AN EMPLOYEE MAKES THREATS AGAINST A SPOUSE'S G4 VISA OR WORK PERMIT***

- 7.28 Employees with G4 dependents are obligated to provide whatever documentation is needed for the World Bank Group to renew expiring dependent G4 visas and work permits, as long as the dependents are still entitled to their dependent status. The World Bank Group acts decisively in cases where an employee refuses to cooperate with G4 dependent visa or work permit renewals.
- 7.29 G4 dependents with concerns about visa or work permit renewals, or issues such as ability to access their passport, should call the World Bank Group's Human Resources Visa Unit (202-473-2222) or send their query to [HROperations@worldbank.org](mailto:HROperations@worldbank.org). The Visa Unit processes all G visa transactions, and processed documents are returned to the Visa Unit. Upon request, the Visa Unit will arrange to return processed documents directly to a G4 dependent and not to the employee.
- 7.30 Spouses with concerns about handling of visa issues may also contact WBFN.

***THREATS AGAINST FAMILY MEMBERS***

Some abusers attempt to control their victims by threatening to harm other family members wherever they may be. Injuring or threatening to do bodily harm to someone is against the law. For example, there might be threats to harm the children at home, or other relatives in the home country. No parent, or any person acting pursuant to directions from the parent, may conceal a child from the child's other parent. A particularly potent threat among families living in the United States under G4 visas is that of taking the children and returning them to their home country. This may be considered parental kidnapping. Parental kidnapping is a serious crime for which perpetrators may be prosecuted. Victims also should be aware that if they take their children across state or country lines, under some circumstances, they could be prosecuted for parental kidnapping even if they did so to protect themselves and their children. There are legal protections to assist victims and children, but they vary by state. It is always best for victims to consult with an experienced domestic violence attorney before taking actions that may have criminal and civil custody consequences in the future.

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<sup>45</sup> For a full explanation of visa issues relating to G4 dependents who divorce their principal G4 spouses, see Chapter 5.

*U VISA*

- 7.31 The U visa was devised to facilitate reporting of crimes to law enforcement by non-American victims of crimes, and to assist those victims, including those who do not qualify for help under the Violence Against Women Act (VAWA) (because they are not married to the abuser, or the abuser is not a U.S. citizen or Permanent Resident) to obtain lawful immigration status.
- 7.32 The U visa offers temporary lawful status to victims of certain serious crimes committed in the United States (including rape, domestic violence, abusive sexual contact, kidnapping, etc.) which have resulted in substantial physical or mental abuse to the victim. The victim must:
- have information that is useful to law enforcement or prosecutors; and
  - obtain a certification by a federal, state or local law enforcement official, judge or other official that the individual has been, is being, or is likely to be helpful in investigating or prosecuting the criminal activity.
- 7.33 The U visa requires that the applicant be “helpful” to law enforcement. This requirement can be met by as little as a single report to police or other law enforcement, and no ensuing criminal investigation. If there is an investigation, there does not have to be a prosecution, nor a conviction. Thus, a victim can be granted a U visa without the corresponding perpetrator ever being found guilty of a crime. This means that victims of World Bank Group employee abusers might be granted a U visa based on the abuse, but the perpetrator will not necessarily be convicted, and thereby risk termination by the World Bank Group, or removal from the United States.
- 7.34 In order to document cooperation with law enforcement, the individual must obtain a certification from the law enforcement agency. The law enforcement certification form, Form I-918, Supplement B, is available on the [uscis.gov](http://uscis.gov) website. Either the head of the agency or a designated certifier within the agency must sign the certification. The process for obtaining a law enforcement certification varies by jurisdiction. If an individual is unable to obtain a law enforcement certification (for example, because the agency refuses to recognize that the victim fully cooperated), then the application is not considered complete by USCIS, and will be rejected. There is currently no exception to the requirement to obtain a law enforcement certification. The law enforcement certification expires after six months; if the U visa application has not been filed at that time, then the individual must obtain a newly executed certification.
- 7.35 Currently, USCIS considers “any credible evidence” in adjudicating applications. Typically, evidence included in the application includes the requisite USCIS forms, including the law enforcement certification, the applicant’s affidavit, and proof of the substantial physical or mental abuse (medical records, statements from witnesses, photographs, protective order and/or other court documents, if applicable, etc.).

- 7.36 Derivative family members may be included in the U visa application. This may include the spouse (although not if the spouse is the perpetrator) and unmarried children under 21.
- 7.37 Once approved, the U visa is valid for a period of four years, and the individual receives work authorization. After three years of continuous presence in valid U status, the individual may apply to become a lawful permanent resident by filing an application for adjustment of status. This application must be submitted before the expiration of the U visa.
- 7.38 Current law places a cap of 10,000 on the number of U visas that may be granted each year. The new fiscal year for issuance of U visas begins in October. As the number of U visa applications filed annually increases, applicants may experience longer wait times (possibly multi-year waits) for a visa to become available. As of 2014, USCIS is continuing to adjudicate new applications, even after the cap has been reached. If the person is deemed eligible but there is no visa available, then USCIS will issue a notice of deferred action, which enables the individual to apply for a one-year work permit. Time spent in deferred action status, however, will not count toward the three years required to apply for adjustment of status.
- 7.39 A dependent G4 visa holder must be willing to end G4 status to get the U visa. However, “deferred action” status does not constitute a change in immigration status, and a dependent G4 visa holder entering deferred action status remains a dependent G4 unless G4 eligibility is otherwise lost or terminated (see paragraphs 5.13 and 5.14, page 18).

## 8 MISCELLANEOUS

### *ISLAMIC DIVORCES WITHOUT SPOUSAL REPRESENTATION*

- 8.1 In May 2008, the Maryland Court of Appeals issued a unanimous 21-page opinion declaring that *talaq* is contrary to Maryland’s constitutional provisions providing equal rights to men and women. The court wrote that “*Talaq* lacks any significant 'due process' for the wife, its use, moreover, directly deprives the wife of the 'due process' she is entitled to when she initiates divorce litigation in this state. The lack and deprivation of due process is itself contrary to this state's public policy.” Under Islamic traditions, *talaq* can be invoked only by a husband, unless he grants his wife the same right.
- 8.2 The decision affirms a 2007 ruling by the Court of Special Appeals, the state’s intermediate appellate court, which also ruled that *talaq* does not apply in Maryland.<sup>46</sup>

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<sup>46</sup> *Aleem v. Aleem*, 947 A.2d 489 (2008).

## **Appendix A**

### **Staff Rule 3.06 Family Obligations**

#### ***SPOUSE AND (OR) CHILD SUPPORT OBLIGATIONS AND DIVORCE***

##### *Section I- Purpose and Application*

1.01 This Directive, Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," (hereinafter Rule) defines the functions of the Office of Ethics and Business Conduct (EBC).

1.02 A commitment to core values and high ethical standards is important to the success of the World Bank Group ("Bank Group"). EBC promotes the development and application of the highest ethical standards by Staff Members in the performance of their duties with respect to the Bank Group.

1.03 This Rule applies to all Staff Members, as defined in Staff Rule 1.01, "General Provisions," and Staff Rule 4.01, "Appointment." This Rule shall also apply to former Staff Members.

##### *Section II- Definitions*

1.04 Capitalized terms in this Rule have the meanings ascribed to them in Staff Rule 1.01, "General Provisions."

##### *Section III- Scope*

#### **02. The World Bank Group Chief Ethics Officer; Office of Ethics and Business Conduct**

2.01 The World Bank Group Chief Ethics Officer, EBC, reports directly to the President or his/her designee and may be removed from office, for cause and through a fair process, only by the President or his/her designee and in consultation with representative members of the Staff selected by the World Bank Group Staff Association.

2.02 The World Bank Group Chief Ethics Officer, EBC, shall be appointed by the President or his/her designee, for a period of five years. This appointment may be renewed by the President, or his/her designee, for one additional five year term.

2.03 In carrying out its functions under this Rule, EBC shall be free from improper interference, by any official or Staff Member of the Bank Group. For purposes of this Rule, any control, limitation or penalty, imposed for retaliatory purposes, shall be considered interference. In carrying out its functions, EBC Staff shall adhere to the Principles of Staff Employment, Staff Rules, Administrative Manual, Code of Conduct, and other applicable Bank Group policies.

#### **03. Outreach, Communications and Training**

3.01 EBC shall conduct outreach, communications and training activities designed to foster awareness of and adherence to ethical obligations of Bank Group Staff Members.

#### **04. Reporting and Assistance with Policy Improvement**

4.01 EBC shall submit periodic reports to the Office of the President providing overviews of EBC's activities and information on issues and trends relating to the ethics and business conduct functions, including on matters such as concerns raised by Staff Members, lessons learned in addressing those issues, and the functioning of EBC's case management system. Such reports may be based on aggregate data and shall maintain any confidentiality protections provided to individuals by EBC, whether in the course of their seeking advice and guidance, of their participating in connection with the resolution of matters under review by EBC, or otherwise.

#### **05. Advice and Guidance**

##### **Scope of Advice and Guidance**

5.01 EBC shall advise Staff Members on issues and questions regarding the Principles of Staff Employment, Staff Rules, Administrative Manual, Code of Conduct, and other Bank Group policies, including regarding those matters set forth in paragraph 6.01 of this Rule. EBC may refer Staff Members to other units within the Bank Group for further advice and guidance.

##### **Contacting EBC**

5.02 Staff Members seeking advice regarding issues or questions may contact EBC. Staff Members are required to contact EBC regarding the resolution of financial conflicts of interest, as provided in Staff Rule 3.03, "Financial Interest and Disclosure," Section 3, "Disclosure and Resolution of Conflicts of Interest."

#### **06. Allegations of Misconduct Addressed by EBC**

##### **Scope of Allegations Addressed by EBC**

6.01 Subject to the exclusions provided in paragraphs 6.02 and 6.03 of this Rule, EBC shall review and assist in the resolution of allegations of misconduct. Misconduct does not require malice or guilty purpose, and it includes failure to observe the Principles of Staff Employment, Staff Rules, Administrative Manual, Code of Conduct, other Bank Group policies, and other duties of employment, including the following acts and omissions:

- a. Failure to observe obligations relating to health and safety, personnel information, disclosure of non-public information, information security, and the unauthorized use of Bank Group offices, equipment, computer resources or Staff; abuse of authority; absence from duty without justifiable cause; or abuse or misuse of Bank Group funds related to travel, benefits, allowances (including tax allowances), P-Card, petty cash, or property;
- b. Reckless failure to identify, or failure to observe, generally applicable norms of prudent professional conduct; failure to perform assigned duties; gross negligence in the

performance of assigned duties; performance of assigned duties in an improper or reckless manner; failure to supervise a Staff Member; or failure to know, and observe, the legal, policy, budgetary, and administrative standards and restrictions imposed by the Bank Group; undertaking an activity where authority to do so has been denied; or willful misrepresentation of facts intended to be relied upon;

c. Acts or omissions in conflict with the general obligations of Staff Members set forth in Principle 3, "General Obligations of Staff Members," of the Principles of Staff Employment and Staff Rule 3.01, "Standards of Professional Conduct" through Staff Rule 3.06, "Family Obligations – Spouse and (or) Child Support Obligations and Divorce." Omissions may include failure to file a timely, complete and accurate financial disclosure form;

d. Conviction for acts that are criminal in nature, including theft, forgery, fraud, corrupt practices, use of or possession of illegal drugs, physical assault, or domestic abuse;

e. Harassment; contributing to a hostile work environment; or wrongful discrimination, including on the basis of age, race, color, sex, sexual orientation, national origin, religion or creed;

f. Failure to meet personal legal obligations as required by Bank Group policies, including payment of court-ordered spousal and child support; and

g. Retaliation by a Staff Member against any person who provides information regarding suspected misconduct or who cooperates or provides information in connection with an investigation or review of allegations of misconduct, review or fact finding, or who uses the Internal Justice Services, including retaliation with respect to reports of misconduct to which Staff Rule 8.02, "Protections and Procedures for Reporting Misconduct (Whistleblowing)" applies.

h. Sexual exploitation and sexual abuse; exchange of money, employment, goods or services for sex (e.g. using the services of sex workers; prostitution), including sexual favors or other forms of humiliating, degrading or exploitative behavior, regardless of the legal status of the activity in the country in which it is committed; and sexual activity with children (persons under the age of 18), regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.

For purposes of this Staff Rule, sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

### **Limitation Based on Subject Matter**

6.02 Except in circumstances in which EBC has been expressly designated to review a matter

under the provisions of Staff Rule 8.01, "Disciplinary Proceedings," paragraphs 4.02 and 4.04, EBC will not conduct reviews of allegations of misconduct involving:

- a. Misuse of Bank Group funds or other public funds (e.g. donor trust funds) for personal gain of oneself or another in connection with Bank Group operations, corporate procurement, or Bank Group administrative budgets (except for travel, benefits, allowances (including tax allowances), P-Card, petty cash or Bank Group property), loans, credits, or grant funds;
- b. Abuse of position in the Bank Group for the personal gain of oneself or another in connection with Bank Group operations, corporate procurement, or Bank Group administrative budgets (except for travel, benefits, allowances (including tax allowances), P-Card, petty cash or Bank Group property), loans, credits, or grant or donor trust funds;  
or
- c. Fraud, corruption, coercion, collusion, or offering, receiving or soliciting bribes, kickbacks or other (e.g., in-kind) personal benefits involving Bank Group financed/supported operations or corporate procurements; embezzlement of funds from Bank Group administrative budgets, loans, credits or grant funds.

Such matters shall be handled by the Integrity Vice Presidency (INT), or otherwise in accordance with the provisions of Staff Rule 8.01, "Disciplinary Proceedings," and any other applicable rules and policies. If at any time the World Bank Group Chief Ethics Officer, EBC, or the Vice President, INT, determines that there is a question as to whether all or any portion of a matter falls within the scope of authority of EBC or that of INT, the World Bank Group Chief Ethics Officer, EBC, and the Vice President, INT, shall consult with each other to resolve the question.

### **Other Limitations**

6.03 Except where the President or his/her designee, or the World Bank Group Human Resources Vice President, determines that an alternative reviewer should be designated, EBC shall address matters raised under this Rule. An alternative reviewer may be any person outside of EBC, including an external reviewer from outside of the Bank Group. If the World Bank Group Chief Ethics Officer, EBC, determines that EBC has a conflict of interest in addressing a matter under this Rule, EBC shall refer to the World Bank Group Human Resources Vice President, the determination as to whether an alternative reviewer should be designated to handle the matter. Where a Staff Member has grounds to believe that reporting suspected misconduct to line management and EBC would subject the Staff Member to retaliation or create a likelihood that evidence relating to the suspected misconduct will be concealed or destroyed, the Staff Member may report suspected misconduct directly to the World Bank Group Human Resources Vice President, with a request that an alternative reviewer outside of EBC be designated to review the report of suspected misconduct. With respect to reports of suspected misconduct that may threaten the operations or governance of the Bank Group, the provisions of Staff Rule 8.02, "Protections and Procedures for

Reporting Misconduct (Whistleblowing)" shall apply.

## **Appendix B**

### **Technical Memorandum On Visa Issues**

FROM: Freilicher & Hoffman, P.C.

SUBJ: Immigration Options for Battered Spouses of World Bank Group Employees

DATE: July 11, 2005

This memorandum is intended to serve as a basic guide for the spouses of World Bank Group employees who are victims of domestic abuse and who wish to know what options they may have for legally remaining in the United States following separation or divorce from the principal alien.

The information provided below will address options available to spouses who currently hold G4 dependent nonimmigrant status. Spouses of World Bank Group employees who are contemplating or undergoing separation or divorce are advised to consult with qualified counsel concerning their particular issues. It is very important to strictly adhere to all rules and regulations concerning immigration status and employment in the United States.

#### ***Important Immigration Documents***

There are at least three important immigration documents besides the passport which affect the status and ability of G4 dependents to legally live and work in the United States: *Form I-94 (Departure Record)*, *U.S. nonimmigrant visa*, and *Employment Authorization Card (EAC)*. The Form I-94 is the white form stamped by the Citizenship and Immigration Services (USCIS) (formerly the Immigration and Naturalization Service) at the port-of-entry. The I-94 governs the alien's status in the United States; it assigns the nonimmigrant classification and period of admission. Individuals in G4 status typically have I-94s with the legend "D/S" meaning duration of status. G4 status is indefinite as long as the qualifying family relationship remains intact and the principal alien continues employment at the World Bank Group. A valid U.S. visa permits the bearer to seek admission to the United States for the specific classification listed on the visa. A valid EAC allows the bearer to work in the United States while he or she maintains G4 dependent status. There may be other documents that are relevant to a spouse's status or which may become important if a change or adjustment of status is sought in the United States.

#### ***Effects of Separation or Divorce on G4 Status***

G4 dependent spouses who legally separate from World Bank Group employees continue to be eligible for G4 dependent status until the divorce is finalized. They may also continue to work as long as they have a valid EAC and until the divorce is finalized.

G4 dependent spouses who divorce World Bank Group employees can remain in the United States for 30 days following the final divorce. However, the G4 visa itself becomes invalid on the date of the divorce decree and cannot be used to enter the United States within the 60 days

following the final divorce or any time thereafter. Divorced spouses must file to change status with USCIS or leave the United States before 30 days have passed following the divorce decree or they risk falling out of status. Nonimmigrant aliens in the United States who are not in a valid status cannot apply to change their status in the United States and will be required to apply for a new visa at a U.S. consulate abroad if they wish to return to the United States. Remaining in the United States beyond the 30-day grace period may adversely affect a divorced spouse's ability to obtain a new visa or to take advantage of future immigration opportunities and benefits.

G4 dependent spouses who are authorized to work in the United States as evidenced by a valid EAC should be aware that such employment authorization ends immediately upon divorce. This is true even if the EAC was issued for a period extending beyond the date of the divorce decree.

### ***Options for Remaining and Working in the United States***

Depending on their education, training, experience, family relationships and circumstances, divorced and/or battered spouses may be eligible for their own immigrant or nonimmigrant status in the United States. Those options available to divorced and/or battered spouses in G4 status are discussed below. Individual circumstances will determine eligibility for any of these immigration benefits.

#### **1. Battered Spouses**

There are limited options available to G4 dependent spouses under the various provisions of U.S. immigration law related to domestic violence. (See attached chart.)

*Violence Against Women Act:* Spouses who are or were G4 dependents of lawful permanent resident World Bank Group employees and who have been battered by their lawful permanent resident spouse may be eligible for permanent residence. Under the Violence Against Women Act (VAWA) passed by Congress in 1994, the spouses and children of United States citizens or lawful permanent residents may self-petition to obtain lawful permanent residence. The immigration provisions of VAWA allow certain battered spouses and children to file for immigration relief without the abuser's assistance or knowledge, in order to seek safety and independence from the abuser.

To be eligible to file a self-petition (an application that you file for yourself for immigration benefits) as a battered spouse, you must qualify under one of the following categories:

**Spouse:** You may self-petition if you are a battered spouse married to a U.S. citizen or lawful permanent resident. Unmarried children under the age of 21, who have not filed their own self-petition, may be included on your petition as derivative beneficiaries.

**Parent:** You may self-petition if you are the parent of a child who has been abused by your U.S. citizen or lawful permanent resident spouse. Your children (under 21 years of age and unmarried), including those who may not have been abused, may be included on your petition as derivative beneficiaries, if they have not filed their own self-petition.

Battered Child: A child may self-petition if he or she is a battered child (under 21 years of age and unmarried) who has been abused by a U.S. citizen or lawful permanent resident parent. His or her children (under 21 years of age and unmarried), including those who may not have been abused, may be included on the battered child's petition as derivative beneficiaries.

*Victims of Trafficking and Violence Protection Act*: In special, limited circumstances, divorced spouses may be eligible for T or U nonimmigrant visas. These two nonimmigrant categories were established by the Victims of Trafficking and Violence Protection Act of 2000. The purpose of this act is to "combat trafficking in persons," ensure "just and effective punishment of traffickers," and "protect their victims." The protections offered the victims tend to assist the victims while they actively participate in efforts to prosecute traffickers. Both of these nonimmigrant categories can lead to permanent residence under limited circumstances.

The T visa is provided for an eligible "victim" who meets the definition of a victim of a severe form of trafficking; who is present in the United States on account of such trafficking; has complied with any reasonable request for assistance in the investigation or prosecution of trafficking acts; or is under age 15; and who would suffer extreme hardship if removed from the United States.

The U visa is provided for victims of crimes, such as domestic violence, who possess information about the criminal activity and are cooperating with a criminal investigation and prosecution.

Seeking immigration benefits as provided for abused spouses is very complicated and necessarily involves a thorough review of each person's situation. Interested parties are encouraged to consult with qualified immigration counsel concerning their possible eligibility for such benefits.

## 2. Family Relationship Options

There are options for a G4 dependent spouse to remain and possibly work in the United States by changing or adjusting status based on a family relationship following divorce from the World Bank Group employee. These categories include the following:

*Sponsorship by a United States citizen child 21 or older*: The parent of a U.S. citizen child who is at least 21 years old may apply for permanent residence based on the sponsorship of the U.S. citizen child.

*Parent of child granted permanent residence as a G4 Special Immigrant*: The parent of a child who has been granted permanent residence as a G4 Special Immigrant may be eligible for N nonimmigrant status until that child's 21<sup>st</sup> birthday. Employment authorization is incident to N status. A minor sibling of the G4 Special Immigrant may also be eligible for N status.

## 3. Employment Options

The option to remain and work in the United States based on employment is a function of meeting certain requirements and being sponsored in most cases by a qualified employer. Employment options may include immigrant and nonimmigrant opportunities.

*Employment options leading to permanent residence:* Employer sponsorship through the labor certification route is one traditional way to obtain permanent residence. This can be a lengthy process and generally requires the applicant to maintain a valid nonimmigrant status during the labor certificate process if he or she wishes to remain and work in the United States until permanent residence is granted.

*Nonimmigrant employment options:* There may be opportunities to remain in the United States temporarily through employment. For example, the H-1B category is for individuals who have at least a bachelor's degree or its equivalent and who will be employed in a specialty occupation such as accountants, scientists, university teachers, lawyers, engineers, computer analysts, doctors, other health care professionals, economists, pharmacists, and translators. An employer is required to file for this status on behalf of the alien.

#### 4. Other Options

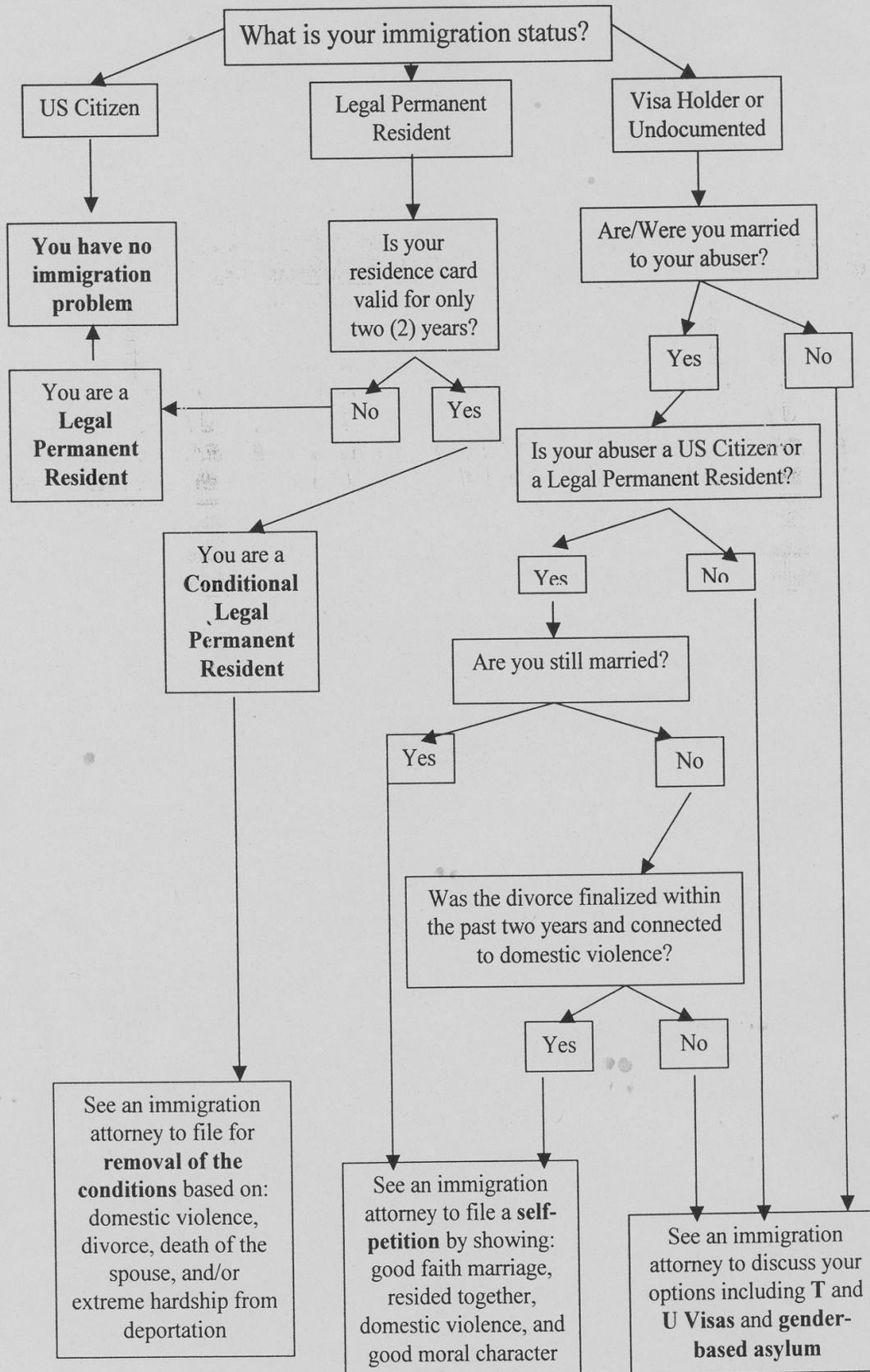
There may be other options for divorced spouses who need to remain in the United States beyond the 30-day period following divorce.

Divorced spouses who wish to remain in the United States beyond the duration of their G4 dependent status to complete legal procedures or finalize personal matters may be eligible to change their status in the United States to B-2 visitor. A change of status to B-2 can extend an alien's stay up to six months. Other legitimate activities for an alien classified as a B-2 nonimmigrant "visitor for pleasure" include visiting family, tourism, or medical treatment. An alien in B-2 status is not permitted to work in the United States.

Divorced spouses who wish to take up or resume academic studies may be eligible for student status in the United States. Current regulations provide F and J visas to qualified nonimmigrant aliens who are pursuing a course of study. Employment options as an F or J student are often restricted to the type of study being undertaken and are limited in duration.

Eligibility for any of the above options must be determined on a case-by-case basis. It is very important, therefore, for the G4 dependent spouse to seek advice as soon as possible to explore all available avenues. Attached is an outline of general immigration categories that may be of interest.

### Immigration Options for Battered Immigrants: A Flowchart



## **Appendix C**

### **Sample Information Letter From The World Bank Group**

The following pages show a sample redacted information letter sent by the World Bank Group to disclose salary, insurance and benefits information on a staff member, in accordance with Staff Rule 2.01. Pension information is not shown in this sample.

**The World Bank Group**  
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION

HR Service Center MSN G2-202  
Washington, DC 20433  
USA

202-473-2222  
202-522-2150 fax  
hrservicecenter@worldbank.org

Date

Spouse name

Dear Spouse name

I acknowledge receipt of your request for information about salary and benefits (including pension and insurance) regarding your spouse, World Bank Group staff member or retiree **Staff member name**. The World Bank Group (hereafter, the “Bank Group”) hereby responds to your request in accordance with Staff Rule 2.01 (Confidentiality of Personnel Information), paragraph 6.01(g). Annex A is a reference table listing salary and benefits, including insurance. Annex B provides detailed information about many of the items in Annex A.

The Bank Group understands that the information provided in this document and its Annexes may possibly be used in a court proceeding and therefore provides a certification of custodial records as set forth below. However, please be advised that the Bank Group hereby provides the information voluntarily, without waiving any of its privileges and immunities which are hereby reserved.

Please do not hesitate to contact me for any further explanation of the information provided to you as per this letter. Email is easiest ([name of contact](#)). My direct telephone is -----  
-----.

### 8..2.1 Certification of Custodial Records

I, Susan J Gibson, Human Resources Vice Presidency, HR Development Service Operations (HRDSO) of the World Bank Group, hereby certify that I am the custodian of the records and information requested and those records and the information provided in this letter regarding pension, salary and benefits of **Staff name** World Bank UPI **0000000** a staff member or retiree of the World Bank Group, are:

- (a) true and correct;
- (b) made at or near the time of the occurrence set forth, by or from information transmitted by a person with knowledge of those records and information;

- (c) made and kept in the ordinary course of the regularly conducted business activity of the World Bank Group; and
- (d) made and kept by the regular business activity as a regular practice.

Sincerely,

HR Operations

Attachments: Annex A, Annex B,

## Annex B: Name Date

<b>Annex A, Line 6: Dependency Allowance</b>	
General Information	Specific Information
<p>Dependency allowance is paid to staff members with dependents. The amount is 5% of the staff member's net salary (up to US\$3,500 per year) for a spouse, and US\$600 per year per dependent child. Both amounts are reduced by spouse income over US\$30,000 gross per year, and eliminated by spouse income over US\$130,000 gross per year.</p> <p>Dependency allowance is included when the Bank Group computes net income.</p> <p>Note that the dependency status of a spouse in Bank Group records can only change upon receipt of a court order or equivalent document issued by a court from a competent jurisdiction ruling on the spouse's marital status with the staff member. Until a court order changing the marital status is received by the Bank Group, a spouse will remain as dependent in Bank Group records, the staff member's records will still show that the staff member is married, and the staff member will remain eligible for all spousal benefits, such as insurance, dependency and visa status. Exceptions may apply and you should always consult a lawyer and/or the HR Service Center for adequate legal counsel and updated Bank Group policy respectively. For more information, you may consult the World Bank Group's <i>Domestic Relations and Family Law Guide</i> at <a href="http://go.worldbank.org/XZWKP9K6M0">http://go.worldbank.org/XZWKP9K6M0</a> then "Personal/Family Support Services."</p>	<p>The staff member reported a spouse income in 20XX of US\$XX,XXX gross, which reduced the annual dependency annual amount.</p>

<b>Annex A, Lines 8-9: Notional Gross Salary</b>	
General Information	Specific Information
<p>Most Bank Group staff members are exempt from taxation on Bank Group compensation. Because most compensation is tax exempt, salaries are officially stated as net of tax amounts, except where salary is specifically designated as gross, as is the case for U.S. nationals holding consultant appointments.</p> <p>The most significant exception is for U.S. nationals, who are subject to taxes on Bank Group income. For Americans, the Bank Group simply reports actual (gross) W-2 wages where available.</p> <p>For non-Americans, because most employment in the United States and elsewhere is paid gross, most family courts expect gross (and not net) income as an input to the process of setting levels of spousal and/or child support. The Bank Group thus provides notional gross income estimates of net salaries as a matter of policy as part of the salary, benefits and pension information disclosure process. These gross income estimates are derived using an "Estimate Your Gross Income" calculator that is available to all Bank Group career employees through myHR. The estimates use the most recent U.S. Internal Revenue Service tables relating net and gross income as well as average deductions by income category. The actual calculation of gross income varies widely depending on individual circumstances, notional filing status, non-Bank Group income, eligibility for tax deductions, state of residence, and other inputs. Thus, for non-Americans, these amounts are estimates.</p>	<p>Staff member is non-American</p>

<b>Annex A, line 10: Medical Insurance Option</b>	
General Information	Specific Information

The Bank Group prohibits employees from removing a spouse from medical insurance coverage without written consent of the spouse.	None
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### Annex A, line 11: Medical Insurance Coverage

General Information	Specific Information
<p>Spouse coverage ends on the last day of the month of the date of the final divorce decree. Ex-spouses may, upon request, access MIP Continuation (our “COBRA” plan) for up to three years at an unsubsidized cost, provided the application is made within 60 calendar days of the date of coverage loss. Coverage must be in the same plan that the staff member/retiree is enrolled in at the time of divorce.</p> <p>The staff member is obligated to provide the ex-spouse with the MIP Continuation application. However, the Bank Group HR Service Center will provide applications upon request.</p> <p>Billing and payments are handled by Aetna U.S. Healthcare (even if the staff member is enrolled in Vanbreda insurance), and not by the Bank Group.</p>	<p>Currently, for individual coverage, the unsubsidized MIP Continuation premiums per month are (from 1/1/14):</p> <p style="padding-left: 20px;">MIP-A: US\$472 MIP-B: US\$360 MIP-C: US\$472</p> <p style="padding-left: 20px;">Retiree Plan 1: US\$565 Retiree Plan 2: US\$480</p> <p>If this divorce results in coverage of individuals other than the ex-spouse, e.g., the ex-spouse plus the staff member/retiree’s ex-stepchild, then the MIP Continuation costs are significantly higher per month. If this situation will apply, contact <a href="mailto:HROperations@worldbank.org">HROperations@worldbank.org</a> for current MIP Continuation premium costs for Dual, Family or Family Plus coverage.</p>

### Annex A, line 12: Retiree Medical Insurance Coverage

General Information	Specific Information
The minimum eligibility requirement for Retiree Medical Insurance from the World Bank Group is age plus pension years is greater or equal to 60 and a minimum of five years of pension.	Staff member must work until MM/DD/YY to become eligible.

### Annex A, line 13: Life Insurance Coverage

General Information	Specific Information
<p>Life insurance pays in the event of the death of the staff member for any reason.</p> <p>The staff member may change his or her beneficiary/ies at any time, and the latest designation is the one used in event of a death claim.</p> <p>Staff members may assign ownership of the life insurance policy to another individual or legal entity, which would preclude the staff member from changing beneficiaries or coverage levels. (See Annex A, line 14.)</p>	<p>On MM/DD/YY, the staff member named <i>BENEFICIARY NAME</i> (<i>RELATIONSHIP</i>) as his primary beneficiary.</p>

<b>Annex A, line 17: Basic Accidental Death Insurance Coverage</b>	
<b>General Information</b>	<b>Specific Information</b>
<p>Accidental death insurance pays in the event of the death of the staff member due to accidental causes. Exclusions include death from natural causes, bacterial infections, suicide, serving in the armed forces of any country, and aviation accidents where the insured is a member of the crew of the aircraft.</p> <p>The staff member may change his or her beneficiary/ies at any time, and the latest designation is the one used in event of a death claim.</p> <p>Staff members may assign ownership of the basic accidental death insurance policy to another individual or legal entity, which would preclude the staff member from changing beneficiaries or coverage levels. (See Annex A, line 20.)</p>	<p>On MM/DD/YY, the staff member named <i>BENEFICIARY NAME</i> (<i>RELATIONSHIP</i>) as his primary beneficiary.</p>

<b>Annex A, line 21: Optional Accidental Death Insurance Coverage</b>	
<b>General Information</b>	<b>Specific Information</b>
<p>Optional accidental death insurance pays in addition to basic accidental death insurance coverage claims (see Annex A, line 17).</p> <p>The staff member may change his or her beneficiary/ies at any time, and the latest designation is the one used in event of a death claim.</p> <p>Staff members may assign ownership of the optional accidental death insurance policy to another individual or legal entity, which would preclude the staff member from changing beneficiaries or coverage levels. (See Annex A, line 24.)</p>	<p>On MM/DD/YY, the staff member named <i>BENEFICIARY NAME</i> (<i>RELATIONSHIP</i>) as his primary beneficiary.</p>

<b>Annex A, line 25: Expatriate Benefits (if applicable)</b>	
<b>General Information</b>	<b>Specific Information</b>
<p>Certain staff members of the Bank Group are eligible for expatriate benefits during all or part of their employment. Expatriate benefits consist of one of two alternative modalities:</p> <ul style="list-style-type: none"> <li>• Home Leave/Education: <ul style="list-style-type: none"> <li>○ The Bank Group pays for one trip to the staff member's home country every two years for the staff member and every eligible dependent.</li> <li>○ 75% of eligible tuition and related costs for educating eligible dependent children at qualifying institutions.</li> </ul> </li> </ul> <p><u>OR</u></p> <ul style="list-style-type: none"> <li>• Mobility Premium, whereby the Bank Group pays a cash benefit to the staff member, depending on number of eligible dependents and home country, for the first 10 years of employment in Washington, DC, with the amount declining each year starting in year 5.</li> </ul>	

<b>Annex A, line 26: Resettlement (if applicable)</b>	
<b>General Information</b>	<b>Specific Information</b>
For eligible staff members, the Bank Group will pay for one-way transportation and a full household shipment anywhere in the world outside of the duty station area (for a D.C.-based staff member, the Greater Washington-Baltimore Metropolitan Area), subject to a cost-limit of Washington, D.C. to the staff member's home country (see Annex A, line 28). If the staff member resettles anywhere within the home country, there is no cost limit.) Sometimes, upon divorce, the Bank Group advance-resettles a former spouse.	

<b>Annex A, line 29: Separation Grant (if applicable)</b>	
<b>General Information</b>	<b>Specific Information</b>
Eligible staff members accrue a separation grant, payable upon ending employment. The grant accrues at a rate of 1/9490 (0.0010537) of final net salary per calendar day of qualifying service. The maximum accrual is 26 years. Two-thirds (66.7%) of the grant is paid to all eligible staff upon termination of employment. The final third (33.3%) is paid only to staff members who resettle outside of their final duty station upon termination of employment.	

<b>Annex A, line 30: Restoration of Termination Grant (if applicable)</b>	
<b>General Information</b>	<b>Specific Information</b>
Eligible staff members who received a termination grant early in their careers when ending employment from a Country Office appointment prior to April 1998, may be eligible for a lump sum benefit upon termination if they have repaid the termination grant previously received. Such staff members are eligible to receive the restored amount, based on current salary, upon termination of the current appointment with the Bank Group.	

<b>Annex A, line 31: Unused Annual Leave</b>	
<b>General Information</b>	<b>Specific Information</b>
The Bank Group pays for up to 60 days of unused annual leave upon termination of employment. Leave usage is at the discretion of the staff member so there is no way to predict whether or not a staff member will receive an unused annual payment upon ending employment.	

<b>Annex A, line 32: U.S. Visas</b>	
<b>General Information</b>	<b>Specific Information</b>
Upon divorce, any household member whose dependency ends (for example, a spouse or a step-child) who holds a dependent G4 visa, is "terminated" in State Department records, immediately invalidating the dependent G4 visa and any work authorization cards in effect from the date of the final divorce decree. A former G4 dependent has 60 days from the date of divorce to depart the U.S., and may not work nor re-enter the U.S. on the dependent G4 visa during this time. To stay longer, the dependent needs to change status to a valid visa. The Bank Group cannot assist dependents with this issue.	

<b>Annex A, line 34: Field Assignment Allowances -</b>	
General Information	Specific Information
<p>Assignment Allowance: The Bank Group will pay an <b>Assignment Allowance</b> to a staff member posted on an Extended Assignment as an unstructured benefit intended to cover any unanticipated expenses that are not already covered by other benefits. Such unanticipated expenses may include, but are not limited to, currency exchange rate fluctuations. The <b>Assignment Allowance</b> will equal 10% of net salary, paid in semimonthly installments via payroll over the period of eligibility.</p> <p>Family Assistance Allowance: To assist with the impact that a change of duty station may have on a staff member's immediate family, the Bank Group will provide a <b>Family Assistance Allowance</b> to a staff member who has a spouse or a domestic partner or a dependent child, and is posted on an Extended Assignment. The Family Assistance Allowance is paid in semimonthly installments via payroll over the period of eligibility.</p> <p>Fragile State Premium: The Bank Group will pay a Fragile States Premium as an incentive to staff who accepts Extended Assignments to duty stations in countries designated by the Bank Group as Fragile States. This designation is based primarily on periodic country policy and institutional assessments conducted by the Bank Group. This premium is subject to change based on periodic assessments conducted by the Bank Group. The Fragile States Premium is paid in semimonthly installments via payroll over the period of eligibility.</p> <p>COLA: The Bank Group will pay a <b>Cost of Living Allowance</b> to a staff member posted to a duty station where the cost of living is determined to be at least 5% higher than in Washington D.C. The COLA is subject to significant fluctuations each year.</p> <p>Hardship Differential: The Bank Group will provide a Hardship Differential based on the overall UN hardship ratings, which will be updated principally in January of each year.</p> <p>Hazard Pay: The Bank Group will provide Hazard Pay to a staff member assigned to a duty station where the UN has determined that very hazardous conditions such as war or active hostilities prevail, to compensate for resulting inconveniences and assist with any related expenses incurred in taking extra precautions. The amount of Hazard Pay is defined periodically by the UN and is subject to change. This is paid by the World Bank Group in semimonthly installments via payroll over the period of eligibility.</p>	<p><b>2012 Breakdown Below:</b></p> <p><b>Assignment Allowance - \$</b></p> <p><b>Family Assistance: \$</b></p> <p><b>Fragile State Premium: \$</b></p> <p><b>COLA: \$</b></p> <p><b>Hardship Differential: \$</b></p> <p><b>Hazard Pay \$</b></p>

## Appendix D

### Medical Insurance (MIP) Continuation

**The World Bank Group**  
INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT  
INTERNATIONAL DEVELOPMENT ASSOCIATION

HR Operations  
MSN G2-202  
Washington, DC 20433 USA

(202) 473-2222  
(202) 522-2150 fax  
hroperations@worldbankgroup.org

#### TO WHOM IT MAY CONCERN:

This fact sheet describes the options available to spouses and other eligible dependents of World Bank Group staff or retirees under the World Bank Group's Medical Insurance Plan (MIP). Anyone losing MIP coverage (including due to divorce or legal separation) may continue MIP coverage for up to 36 months in the MIP Continuation program, subject to these provisions:<sup>47</sup>

1. MIP Continuation is priced without the World Bank Group subsidy.
2. Application for Continuation must be made within 60 days of the date of coverage loss, or MIP Continuation coverage will not be available.
3. Payment is due from (and coverage begins on) the first day of eligibility, regardless of when the application is accepted during the 60-day enrollment period.
4. If you obtain other health insurance during the 60-day period, you are not eligible to apply for MIP Continuation.
5. Normally, a dependent or terminating employee is covered under the Active Staff MIP or Retiree MIP through the end of the month of the coverage loss event (e.g., divorce).
6. MIP Continuation must occur in the same Plan (e.g., Retiree Plan 1, Active Staff Plan A, etc.) as prior to the MIP Continuation.
7. Individuals covered by MIP Continuation cannot switch Plans (e.g., Retiree Plan 1 to Retiree Plan 2, or Plan A to Plan B) while on MIP Continuation.
8. Individuals covered by MIP Continuation cannot switch Administrators (e.g., Aetna to Vanbreda) while on MIP Continuation. Note that Aetna provides billing services for all MIP Continuation participants, even those enrolled with Vanbreda.
9. MIP Continuation is closed to new entrants. In other words, any enrolled coverage plan (Individual, Dual or Family) cannot be increased during the MIP Continuation coverage period. (For example, someone on an MIP Continuation Individual plan cannot insure a spouse upon marriage or remarriage.)
10. Coverage cannot increase upon MIP Continuation relative to coverage under the Active Staff or Retiree MIP (i.e., changing from Individual coverage in the Active Staff MIP to Dual coverage in MIP Continuation is prohibited). However, if anyone entering MIP Continuation is pregnant at the time of application, MIP Continuation can be purchased to cover the pending birth, i.e. dual coverage for a pregnant individual entering MIP Continuation from the Active Staff MIP.
11. MIP Continuation can decrease relative to coverage under the Active Staff MIP. For example, an employee with Dual coverage in the Active Staff MIP can apply for Dual coverage or Individual coverage (but not Family coverage) in MIP Continuation. (This generally does not apply to the Retiree MIP.)

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<sup>47</sup> The exception is staff who terminate for cause such as misconduct or fraud. In such cases, MIP Continuation eligibility is at the discretion of the World Bank Group.

12. If someone enters MIP Continuation not pregnant, and becomes pregnant during the MIP Continuation coverage, the newborn(s) would be insured for the first 60 days of life under the mother's coverage; however, the newborn(s) would only be insured thereafter if the MIP Continuation was in the Family plan at the time of application.
13. Coverage remains in effect until the participant fails to pay the monthly premiums or 36 months, whichever is soonest. Payment failure includes late payments of premiums, non-payment of premiums, or checks returned for insufficient funds.
14. All checks must be paid in U.S. dollars.
15. As premiums are periodically adjusted, the cost of the MIP Continuation coverage will also adjust.
16. Payment collection and administration are performed on behalf of the World Bank Group by Aetna Individual Billing Unit. Each participant must provide and maintain with Aetna an accurate billing address for the monthly premiums.
17. Prepayment to Aetna for coverage is permitted. However, prepayment does not protect against premium increases.

Unlike Active Staff and Retiree MIP premiums, premiums for MIP Continuation are not subsidized by the World Bank Group. To find the current monthly MIP Continuation premium schedule, please go to <http://go.worldbank.org/XZWKP9K6M0> and select information for spouses or retirees.

	Active Staff MIP			Retiree MIP	
	Effective 1/1/2011			Effective 1/1/2011	
Coverage	Option A	Option B	Option C	Plan 1	Plan 2
Individual	\$448	\$342	\$448	\$522	\$443
Dual	\$808	\$618	\$808	\$1044	\$886
Family	\$1080	\$818	\$1080	\$1305	\$1108
Family Plus	\$1392	\$1064	\$1392	n/a	n/a

To enroll in MIP Continuation, the insured must complete the application form provided by the World Bank Group, and submit it with a check made payable to “IBRD” for the initial monthly amount to Aetna at the address on the form. Checks that do not clear result in immediate cancellation of coverage with no opportunity to reapply (furthermore, the insured will be financially responsible for any claims filed between the end of any current coverage and the date the Bank Group cancels MIP Continuation coverage for non-payment.

*Questions:* Direct all billing and enrollment questions to Aetna Individual Billing Administration at (800) 429-9526 or (813) 775-0190. The fax number is (859) 280-1266. Email is [memberiba@aetna.com](mailto:memberiba@aetna.com).

For additional information, contact the HRD Operations via email ([hroperations@worldbankgroup.org](mailto:hroperations@worldbankgroup.org)).

## **Appendix E**

### **Statement On Domestic Abuse**

#### *Code of Professional Ethics*

#### *Domestic Abuse*

It is recognized that employees may become involved in adversarial family situations. In order to minimize World Bank Group involvement in such situations, staff should be advised that the World Bank Group will not tolerate domestic abuse by its employees.

The Principles of Staff Employment, General Obligations, provide that staff are obligated to: “conduct themselves at all times in a manner befitting their status as employees of an international organization.” This status imposes certain obligations upon us, including the avoidance of behaviors that could reflect unfavorably on the organizations comprising the World Bank Group or that could be perceived by outsiders as staff abusing the immunities and privileges conferred on these organizations to avoid their legal obligations or the legal consequences of their actions. Those who violate this principle put their own as well as the organizations’ reputations at risk.

Since domestic abuse involves illegal behavior, it is a matter that falls primarily under the police and local authorities.

Since it is a form of misconduct that the World Bank Group will not tolerate, we will not let abusers hide behind the organizations’ immunities and privileges. The institution’s immunities do not apply to employees in such situations.

The World Bank Group will become involved if domestic abuse involving staff is brought to its attention. Action may be taken at our discretion, in accordance with the facts of the individual case, and the provisions of the Principles of Staff Employment and Staff Rules.

## Appendix F

### CONTACT INFORMATION

<u>Name</u>	<u>Contact</u>	<u>About</u>
<b>DAPP Hotline</b>	24-hour hotline: (202) 458- 5800  Email: <a href="mailto:daprevention@worldbank.org">daprevention@worldbank.org</a>  Website: <a href="http://www.worldbank.org/domesticabuse">www.worldbank.org/domesticabuse</a>	The DAPP provides 24-hour confidential assistance and support for domestic abuse victims.
<b>DAPP Coordinator- Elizabeth Legrain</b>	Phone: (202) 473- 2931  DAMA: 5220-85800  Email: <a href="mailto:elegrain@worldbankgroup.org">elegrain@worldbankgroup.org</a>	
<b>World Bank HR Operations</b>	Phone number: (202) 473- 2222  Email: <a href="mailto:hroperations@worldbank.org">hroperations@worldbank.org</a>	The HR department of the Bank provides consultative services to staff, dependents, and retirees via email, phone, and walk-in support. You would also see HR operations for the World Bank Group Visa Unit.
<b>World Bank Group Family Network (WBFN)</b>	Phone number: (202)-473-8751  Email: <a href="mailto:familynetwork@worldbank.org">familynetwork@worldbank.org</a>	The World Bank Family Network (WBFN) is the worldwide organization of the spouses and partners of the World Bank Group (WBG) staff.
<b>Office of Ethics and Business Conduct Department (EBC)</b>	Phone number: (202) 473-0279  Email: <a href="mailto:ethics_helpline@worldbank.org">ethics_helpline@worldbank.org</a>  Helpline:	The Bank Group's Ethics and Business Conduct Department (EBC) promotes the development and application of the highest ethical standards by

	1-877-576-2559 (U.S) or 1-800-261-7497 (outside U.S.)	staff members in the performance of their duties.
<b>LEGIA</b>	Phone number:  Email:	
<b>Pension Administration</b>	Phone number: (202) 458-2977  Email: <a href="mailto:1pension@worldbank.org">1pension@worldbank.org</a>	Contact the Pension Administration to gain information on pension benefits for retired staffers, current staffers and beneficiaries of the World Bank Staff Retirement Plan.
<b>Security Operations Center (SOC)</b>	Phone number: (202) 458-8888 (emergency) (202) 458-4489 (non-emergency)  Website: <a href="http://gsd.worldbank.org/security/">http://gsd.worldbank.org/security/</a>	The SOC serves as the central communications center for the Bank Group's security operations worldwide. The SOC is available to assist managers, staff and consultants 24-hours a day, 7-days a week.
<b>Bank-Fund Staff Federal Credit Union</b>	Phone number: (202) 212-6400 or (800) 923-7328 (toll-free from U.S. & Canada)  Email: <a href="mailto:memberservices@bfsfcu.org">memberservices@bfsfcu.org</a>	The Bank-Fund Staff Federal Credit Union (BFSFCU) is a full-service financial cooperative. It is a convenient place for employees of the World Bank Group and International Monetary Fund (IMF) and their families to save and obtain credit.

## Appendix E

Last update : May 15, 2017

**Staff Rules relevant to the activities of the domestic abuse prevention steering committee**  
*The World Bank Staff Manual sets out the legal framework applicable to all World Bank staff members. This document does not contain all Staff Rules of the World Bank Staff Manual and may not reflect the last version of the World Bank Staff Manual. Staff Rules are subject to modifications.*

### **Principles of Staff Employment, Preamble, Forward and Principles 1-11.....2**

Also available at:

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=2666>

### **Staff Rule 02.01 – Confidentiality of Personnel**

### **Information.....13**

Also available at:

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=26364ffc-3567-4114-b464-20e4d51cbda>

### **Staff Rule 3.00 – Office of Ethics and Business Conduct**

### **(EBC).....22**

Also available at:

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=6b0f89c0-3808-48a8-930a-ddd73257c5f8>

### **Staff Rule 03.06 Family Obligations – Spouse and (or) Child Support Obligations and Divorce.....37**

Also available at:

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=2643>

### **Staff Rule 6.06 –**

### **Leave.....41**

Also available at:

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=f7da6cf1-86b0-409c-ad9d-5204db57d33b>

### **Staff Rule 6.18 – Financial Assistance to Staff**

### **Members.....58**

Also available at:

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=3831>

### **Staff Rule 7.02 – Benefits on Ending**

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Also available at:

<https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=3833> Last update : May 15, 2017

### **Policy**

Principles of Staff Employment - Preamble, Forward and Principles

1-11

## **Bank Access to Information Policy Designation**

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Content

Applicable to

Issuer

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### **00.01 Principles of Staff Employment**

Preamble and forward

Principle 01 - Application and Authority

Principle 02 - General Obligations of the World Bank and IFC

Principle 03 - General Obligations of Staff Members

Principle 04 - Entering Employment

Principle 05 - Organization and Personnel Management

Principle 06 - Compensation

Principle 07 - Ending Employment

Principle 08 - Misconduct Policy and Procedure

Principle 09 - Appeals

Principle 10 - Staff Consultation

Principle 11 - General Provisions

### **Preamble and forward**

#### **Preamble**

#### **August 1983**

1.01 The Articles of Agreement of the International Bank for Reconstruction and Development and of the International Development Association (together referred to as The World Bank), and the Articles of Agreement of the International Finance Corporation (IFC) provide respectively that, subject to the general control of the Executive Directors of the Bank and the Association and of the Directors of the Corporation (all referred to as the Executive Directors), the President is responsible for the organization, appointment and dismissal of officers and staff.

Moreover, the fact that The World Bank and the IFC (the Organizations) are not subject to the employment legislation of any of their member countries imposes a special obligation on the Organizations in the relationship between them and their staff. Therefore, and without enlarging or restricting the constitutional or delegated authority of the President, the Executive Directors, upon the recommendation of the President, have adopted the following Principles of Staff Employment, which may be amended from time to time.

These Principles of Staff Employment embody the general conditions and terms of employment with the Organizations and the duties and obligations of the Organizations and of staff members. Last update : May 15, 2017

They set forth the broad policies in accordance with which the President shall organize and manage the staff of The World Bank and the IFC.

## **Principle 01 - Application and Authority**

### **Principle 1**

**August 1983**

#### **Application and Authority**

1.1 These Principles apply to all staff members, that is, all persons appointed by the President to perform services for The World Bank or the IFC, except that, considering the particular characteristics of their appointments, the President may vary the application of these Principles to persons on Part Time, Temporary, Trainee, Consultant or Executive Director's Assistant appointments, or to any new types of appointment that may be established. The President shall ensure the observance of these Principles and shall develop, provide, and maintain such programs and Staff Rules consistent with these Principles, as he considers necessary to the efficient conduct of the Organizations' business.

## **Principle 02 - General Obligations of the World Bank and IFC**

### **Principle 2**

**August 1983**

#### **General Obligations of The World Bank and IFC**

2.1 The Organizations shall at all times act with fairness and impartiality and shall follow a proper process in their relations with staff members. They shall not differentiate in an unjustifiable manner between individuals or groups within the staff and shall encourage diversity in staffing consistent with the nature and objectives of the Organizations. They shall respect the essential rights of staff members that have been and may be identified by the World Bank Administrative Tribunal. Furthermore, the Organizations shall:

- a. establish and maintain appropriate safeguards to respect the personal privacy of staff members and protect the confidentiality of personal information about them;
- b. make all reasonable efforts to ensure appropriate protection and safety for staff members in the performance of their duties;
- c. refrain from any action that would deprive staff members retroactively of compensation in any form for services already rendered;

- d. provide staff members security in their employment consistent with the terms of their appointments, their satisfactory performance and conduct, and the efficient administration of the Organizations;
- e. develop and maintain compensation and personnel management policies and practices designed to help create an environment conducive to the high standards of performance required by the Organizations in the interests of their member countries; and
- f. take such measures as may be necessary to protect the international character of the staff in discharging their duties.

### **Principle 03 - General Obligations of Staff Members**

#### **Principle 3**

**August 1983**

#### **General Obligations of Staff Members**

3.1 The sensitive and confidential nature of much of their work requires of staff a high degree of integrity and concern for the interests of the Organizations. Moreover, as employees of international organizations, staff members have a special responsibility to avoid situations and activities that might reflect adversely on the Organizations, compromise their operations, or lead to real or apparent conflicts of interest. Therefore, staff members shall:

- a. discharge their duties solely with the interest and objectives of the Organizations in view and in so doing shall be subject to the authority of the President and responsible to him;
- b. respect the international character of their positions and maintain their independence by not accepting any instructions relating to the performance of their duties from any governments, or other entities or persons external to the Organizations unless on secondment to them or employed by them while on leave of absence from The World Bank or the IFC. Staff members shall not accept in connection with their appointment or service with the Organizations any remuneration, nor any benefit, favor or gift of significant value from any such governments or other entities or persons, nor shall they, while in the service of The World Bank or the IFC, accept any medal, decoration or similar honor for such service. Staff members may retain reemployment rights or pension rights acquired in the service of another organization;
- c. conduct themselves at all times in a manner befitting their status as employees of an international organization. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Organizations. They shall avoid any action and, in particular, any public pronouncement or personal gainful activity that would adversely or unfavorably reflect on their status or on the integrity, independence and impartiality that are required by that status; and
- d. observe the utmost discretion in regard to all matters relating to the Organizations both while they are staff members and after their service with the Organizations has ended. In particular

they shall refrain from the improper disclosure, whether direct or indirect, of information related to the business of The World Bank or the IFC.

3.2 All rights in any work produced by staff members as part of their official duties shall belong to The World Bank or the IFC unless such rights are explicitly relinquished.

### **Privileges and Immunities**

3.3 Staff members shall enjoy, in the interests of their Organizations, privileges, immunities, and facilities to which the Organizations, their officers and employees are entitled under their respective Articles of Agreement or other applicable treaties or international agreements or other laws. Such privileges, immunities, and facilities shall not excuse staff members from the performance of their private obligations or from the due observance of the law. Having regard to the particular circumstances, the Organizations may decide whether, in the interests of the Organizations, an immunity shall be waived or invoked.

## **Principle 04 - Entering Employment**

### **Principle 4**

**August 1983**

### **Entering Employment**

4.1 The Organizations' recruitment policy shall be to seek to attract staff members of the highest caliber appropriate to job requirements under employment terms and conditions that are responsive both to the Organizations' needs and the staff member's well-being. To that end, the Organizations shall:

- a. give paramount importance to securing the highest standards of efficiency and technical competence in appointing staff members and, within that parameter, pay due regard to the importance of recruiting staff on as wide a geographical basis as possible. To this end, rules shall be established under which, depending on the need of the Organizations for particular skills, positions may be filled by international or other types of recruitment;
- b. establish rules and conditions regarding medical standards and age limits for appointments to the staff and for continued employment, and rules governing employment of close relatives, whether by blood or marriage; and
- c. appoint staff members by letter of appointment, which shall specify the type of the appointment. Unless otherwise specified in such letter, the appointment shall be subject to those Principles and Staff Rules applicable to the staff member's type of appointment, to amendments to those Principles and Staff Rules, and to other written agreements, if any, with the staff member. An appointment for more than a year shall normally commence with a probationary period to allow The World Bank or the IFC and the staff member to assess their suitability to each other.

## **Principle 05 - Organization and Personnel Management**

### **Principle 5**

**August 1983**

#### **Organization and Personnel Management**

5.1 The efficient administration of the Organizations requires that their work be conducted within certain generally applicable standards and conditions. At the same time, it is recognized that the changing demands on the Organizations require that they adapt to meet evolving needs and circumstances. To enable the Organizations to respond effectively in such circumstances, and at the same time in a manner considerate of the needs and aspirations of their staff, the Organizations shall:

- a. organize, assign and transfer staff to meet the needs of The World Bank or the IFC with due consideration for the qualifications and wishes of the staff members concerned, and determine the terms and conditions under which staff members may be seconded or released to work for another entity or organization;
- b. establish types of appointment and determine their characteristics, including whether they shall be for a definite or indefinite term or full-time or part-time;
- c. establish procedures for the periodic review of staff members' work performance in order to promote the most effective use of their expertise, to determine the quality of their service, to recognize their achievements, and to identify training and development needs of staff members in the interests of the Organizations;
- d. establish programs and arrangements for staff training and development for the purpose of updating and improving staff skills to meet the needs of the Organizations;
- e. establish procedures for the promotion of staff members without prejudice to external recruitment at all levels;
- f. establish procedures and conditions under which staff members may be assigned to positions graded at various levels, while providing reasonable measures to alleviate adverse effects on staff members assigned to positions graded or regraded at a lower level;
- g. establish the conditions and limits under which staff members may be required to travel, at the Organizations' expense, on official business; and
- h. establish rules and procedures regarding working hours, including conditions and limits for overtime work, and official holidays.

## **Principle 06 - Compensation**

### **Principle 6**

**August 1999**

#### **Compensation**

6.1 The basic objectives of the Organizations' compensation policy shall be to:

- a. enable the Organizations to recruit staff members of the highest caliber appropriate to job requirements and to retain them so long as there is reasonable coherence between their career interests and the evolving mission and circumstances of the Organizations;
- b. help motivate staff members to perform to the best of their abilities;
- c. provide levels of compensation that are equitable internally; and
- d. achieve these objectives with due regard to cost, bearing in mind the responsibility of the Organizations to their member countries.

6.2 With these objectives in view, the Organizations shall:

- a. establish and periodically review the general levels of staff compensation and adjust such levels, as appropriate;
- b. institute and maintain programs of systematic job evaluation, the purpose of which is to grade jobs according to their purpose, function, and level of responsibility so as to provide a sound and equitable basis for the remuneration of staff members;
- c. institute and maintain programs which permit the Organizations to reward staff members according to their performance and contribution to the Organizations' objectives;
- d. establish and maintain programs to promote the health and wellbeing of staff members and to provide financial protection and assistance for staff members and their families, including but not limited to annual, maternity and sick leave, coverage for medical and hospitalization expenses, accidents and loss of life, and provisions for retirement through lump sum or periodic payments;
- e. in view of the importance to the Organizations of attracting international staff, establish programs for expatriate staff members designed to assist them and their families to maintain their cultural, professional and personal links with their home countries, including the education of their dependent children, and determine the eligibility for and duration of such programs;
- f. provide reasonable assistance, depending on the type of recruitment, to staff members required to relocate to take up their appointments or new assignments, or who resettle under rules established by the Organizations upon ending employment, including the payment of travel expenses for staff members and their families, and the shipment of their personal and household effects; and
- g. pending the necessary action being taken by member governments to exempt their nationals from taxation on their incomes from the Organizations when paid on a net of tax basis, provide a tax allowance determined by the Executive Directors to be reasonably related to the taxes required to be paid by staff members on those incomes.

## **Principle 07 - Ending Employment**

### **Principle 7**

**August 1983**

#### **Ending Employment**

7.1 The Organizations' separation policy shall seek to maintain their vitality and integrity while paying due regard to the special circumstances faced by staff members of international organizations. Accordingly:

- a. Separation from service may occur by resignation, with due notice; expiration of an appointment in accordance with the terms of that appointment; retirement; mutual agreement; or upon reaching the upper age limit for employment, unless this limit has been waived in the interests of The World Bank or the IFC.
- b. Separations may also be initiated by The World Bank or the IFC. They shall be based on the needs for efficient administration and for upholding the standards of the Organizations. Staff members separated at the initiative of the Organizations have the right to be notified in writing of the decision and the reason for it, which shall be based on the following:
  - i. a decision not to confirm a staff member's appointment at the end of or during probation; or
  - ii. grounds of health; or
  - iii. when the Organizations determine that a position or positions are no longer necessary, or that the responsibilities of a position have changed so that the staff member is not qualified to fill it, provided that no vacant position in the same type of appointment exists for which the Organizations determine that the staff member is eligible and has the required qualifications or for which he or she can be retrained in a reasonable period of time; or
  - iv. unsatisfactory service, personal or professional misconduct, abandonment of duties, or action adversely reflecting upon the reputation and integrity of the Organizations or their staff.
- c. A staff member separated at the initiative of The World Bank or the IFC under b(i), b (ii), or b (iii) above shall receive financial and/or other assistance on conditions and within limits established by the Organizations, which shall include consideration of the reason for such decision, the length of service, as well as other relevant factors. The World Bank or the IFC may also grant financial and/or other assistance to staff members separated at the initiative of The World Bank or the IFC under b(iv) above or by mutual agreement depending on the individual circumstances.

## **Principle 08 - Misconduct Policy and Procedure**

### **Principle 8**

**June 2008**

### **Policy and Procedure for Reporting Misconduct**

8.1 The Organizations' policy on protections and procedures for reporting misconduct shall set out the rights and responsibilities of staff with respect to reporting misconduct that may threaten the operations or governance of the Organizations, so as to encourage staff to raise concerns and enable the Organizations to effectively address such cases, manage risks, and uphold standards of good governance. The policy shall provide protections to staff who report such misconduct or who cooperate or provide information during an ensuing review or investigation. These protections shall include:

- a. the prohibition of retaliation by managers or other staff against any person for reporting misconduct, or for cooperating or providing information during an ensuing review or investigation;
- b. with the consent of the staff member involved, the provision of interim protections during the course of review or investigation as necessary to safeguard the interests of a staff member who has reported misconduct or cooperated or provided information in that review or investigation; and
- c. where a staff member has made a prima facie case that an adverse employment action was taken in retaliation for an activity protected under the misconduct reporting policy, a shift in the burden of proof to the Organizations to show that the challenged action would have been taken absent the staff member's protected activity.

### **Disciplinary Measures**

8.2 A staff member who fails to observe the standards of conduct established pursuant to these Principles, who engages in misconduct, or who neglects to perform assigned tasks without reasonable excuse, may be subject to disciplinary measures. Depending on the seriousness of the offense and other relevant factors, the disciplinary measures taken in a particular case may be censure, suspension from duty with or without pay or with reduced pay, demotion, reduction in pay, or separation of the staff member from the service of the Organizations as provided in Chapter 7 above. A staff member may also be suspended from duty with pay, without prejudice, pending investigation of a charge under this paragraph.

8.3 Staff members have the right to be notified in writing of the grounds for disciplinary action.

### **Principle 09 - Appeals**

#### **Principle 9**

**August 1983**

#### **Appeals**

9.1 Staff members have the right to fair treatment in matters relating to their employment. Where disputes arise, staff members shall have full opportunity to present their case without fear of reprisal. To this end:

- a. the President shall establish mechanisms, with staff participation as appropriate, to assist in the resolution of such disputes; and
- b. the World Bank Administrative Tribunal shall, as prescribed in its Statute, hear and pass judgment upon applications from staff members alleging non-observance of their contracts of employment or terms of appointment, including these Principles and all pertinent Staff Rules of the Organizations.

## **Principle 10 - Staff Consultation**

### **Principle 10**

**August 1983**

#### **Staff Consultation**

10.1 The efficient and harmonious conduct of the Organizations' business requires that the President be cognizant of staff views in matters concerning the staff and that these views be given due consideration. In recognition of the right of the staff to associate, the President shall establish appropriate mechanisms to consult with representative members of the staff selected by the staff about the establishment of and changes in personnel policies, conditions of employment, general questions of staff welfare, and the establishment, amendment or revocation of Principles and of Staff Rules.

## **Principle 11 - General Provisions**

### **Principle 11**

**August 1983**

#### **General Provisions**

##### **Delegation**

11.1 The President may delegate to any staff member, committee or unit of the Organizations the authority to perform any of the functions referred to in these Principles.

##### **Transition Provision**

11.2 Pending the issuance of Staff Rules, the Organizations' Personnel, Administrative, and Field Office Manuals shall remain in effect to the extent they are not inconsistent with these Principles. However, for the types of appointments in Chapter One to which the application of the Principles

may be varied, those Manuals continue to apply until superseded by Staff Rules. Staff Rules may provide that they supersede any part or all of those Manuals. Last update : May 15, 2017

## **World Bank Group**

### **Directive**

Staff Rule - 2.01 Confidentiality of  
Personnel Information

### **Bank Access to Information Policy Designation**

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This Directive, Staff Rule 2.01, "Confidentiality of Personnel Information" (hereinafter Rule) sets forth provisions governing administration of and access to staff records and other personnel information about staff members maintained, whether in hard copy or electronically, by the Bank Group. Medical information and records are governed by the provisions of Staff

Rule 2.02, "Confidentiality of Medical Information and Records."

Applicable to

IBRD,IDA,IFC,MIGA,ICSID

Issuer

World Bank Group Human Resources Vice President, HRDVP;

IFC Executive Vice President and CEO, CEXVP; MIGA

Executive Vice President and CEO, MIGEX

Sponsor

Director, Strategy and Operations, HRDAO; Director, IFC

Human Resource Department, CHRDR; Director, IBRD/MIGA

Client Services, HRDCS Last update : May 15, 2017

## **SECTION I – PURPOSE AND APPLICATION**

1.01 This Directive, Staff Rule 2.01, "Confidentiality of Personnel Information" (hereinafter Rule) sets forth provisions governing administration of and access to staff records and other personnel information about staff members maintained, whether in hard copy or electronically, by the Bank Group. Medical information and records are governed by the provisions of Staff Rule 2.02, "Confidentiality of Medical Information and Records."

1.02 This Rule applies to all staff members and former staff members of the institutions of the World Bank Group.

## SECTION II – DEFINITIONS

2.01 Capitalized terms in this Rule have the meanings ascribed to them in Staff Rule 1.01, "General Provisions," and as follows:

a. **Human Resources Team:** means Human Resources Team staff at the officer level and above.

b. **Letter of Verification:** is a letter conveying basic employment data, such as a staff member's name, employment status, employment dates, job title and department.

c. **Limited Access Documents:** is a designation given to sensitive or highly confidential documents. Examples of such documents include appeals decisions, and matters involving misconduct such as investigative reports and disciplinary decision documents. Such documents will be identified by the Human Resources Team or the World Bank Group Human Resources Vice President, and placed in a Limited Access section of Staff Records.

d. **Personnel Information:** means all documents and information maintained by the Bank Group pertaining to a staff member, including but not limited to Staff Records, PreAppointment Records, and Working Papers.

e. **Pre-Appointment Records:** are documents obtained by the Bank Group for use in making recruitment decisions, including letters of reference, interview notes and candidate assessments. Pre-Appointment records are not Staff Records.

f. **Selecting Officials:** means the supervisor and the person or persons who assist the supervisor in the review of candidates for vacant positions.

g. **Staff Records:** are a staff member's biographical, work history and leave and attendance data maintained by the Human Resources Vice Presidency and the staff member's benefits, pension, payroll and tax files. Staff Records include Limited Access Documents but do not include Pre-Appointment Records or, except as otherwise provided in this Rule, Working Papers.

h. **Working Papers:** are the material prepared by supervisors or managers for use in exercising their managerial responsibilities or prepared by Human Resources staff in the performance of their human resources management function for use in making personnel

decisions. Except as provided otherwise in this Rule, Working Papers do not become part of Staff Records.

## SECTION III – SCOPE

### 03. Confidentiality of Personnel Information Confidential Treatment

3.01 Personnel Information shall not be disclosed by the Bank Group, except as provided in this Rule.

### **Disciplinary Action**

3.02 Staff members who engage in unauthorized review or disclosure of Personnel Information in a manner not permitted under this Rule are subject to action under the provisions of Staff Rule 3.00, "Office of Ethics and Business Conduct "EBC)".

## **04. Access to Personnel Information**

### **Access to Staff Records**

4.01 Access to Staff Records shall be as provided below:

a. A staff member may examine his/her own Staff Records, in the presence of the staff member's manager or supervisor, a member of the staff member's Human Resources Team, the Ombudsman, or a staff member of HR Operations, except for that part of the Staff Records containing documents created before January 1, 1983. In addition, staff members shall have direct access to performance review reports completed after April 15, 1981.

b. Supervisors shall have access to the Staff Records of the staff members who report to them.

c. Selecting officials shall have access to the Staff Records (except Limited Access Documents), and the leave and attendance and overtime records of staff members who are candidates for vacancies in the selecting officials' unit. When selecting officials have identified candidates whom they are prepared to select, they may have access to Limited Access Documents of those candidates.

d. Other officials of the Bank Group who need to consult Staff Records in the performance of their assigned duties, shall have access to the Staff Records relevant to their work. Such officials shall be responsible for maintaining the confidentiality of the information they see.

### **Pre-Appointment Records**

4.02 A staff member's manager or supervisor, Human Resources staff, selecting officials and other officials in the Bank Group, shall have access to the Pre-Appointment Records of the staff member as needed in the performance of their duties.

### **Working Papers**

4.03 Working Papers shall be accessible as provided in paragraph 4.04 of this Rule. They may also be disclosed by the author to other Bank Group officials as needed in the performance of their duties. The basis for a decision resulting from information recorded in Working Papers

shall either be documented and made part of the Staff Records or, alternatively, the author may make the Working Paper relied upon part of the Staff Record.

### **Legal Matters**

4.04 Personnel Information is available for use by the Bank Group, or its representatives, in the resolution of legal issues or in any legal or administrative proceedings to which the staff member, or a person claiming upon a right of the staff member, or a beneficiary of the staff member, is a party.

### **Recomputation Under Safety Net**

4.05 In case of a request by a staff member for recomputation of a tax allowance under the safety net provisions, only members of the Payroll and Tax Sections and the Bank Group's internal auditors shall have access to information provided by the staff member as needed in the performance of their duties. The head of the Administrative Expense Division shall also have access to such information in a form that cannot be personally identified with the staff member. The Tax Section shall securely dispose of copies of tax returns upon completion of imaging. The imaged returns will be archived for a period of three years.

## **05. Disciplinary Matters**

### **Misconduct**

5.01 A staff member who has brought an allegation of misconduct against another staff member may be informed of any disciplinary measures imposed under Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," or Staff Rule 8.01, "Disciplinary Proceedings," as a result of the allegation. This includes, but is not limited to, staff members who report suspected misconduct or retaliation under Staff Rule 8.02, "Protections and Procedures for Reporting Misconduct (Whistleblowing)," paragraphs 2.06 and 3.02(c). A staff member informed under this section shall not disclose the information to any other person. In addition, the World Bank Group Human Resources Vice President, or his/her designee, may decide that information about disciplinary measures in a particular case should be disclosed to other staff members when the circumstances warrant.

## **06. Release of Personnel Information to Persons Outside the Bank Group**

### **Persons Outside the Bank Group**

6.01 The following Personnel Information may be released to persons outside the Bank Group without the authorization of the staff member concerned and, where specifically noted below, the Bank Group may inform the staff member concerned accordingly and within reasonable time frame as follows:

- a. Basic employment data such as name, employment status, employment dates, job title and department in which case, at the discretion of the Manager, HR Operations, or a designated official, the Bank Group may inform the staff member concerned;
- b. Compensation and pension information, which may be released to member governments for tax purposes in which case, at the discretion of the Manager, HR Operations, or a designated official, the Bank Group may inform the staff member concerned;
- c. Visa status of staff and dependents, which may be reported to governmental authorities;
- d. Pension, benefits and salary records, which may be made available to a pension plan administrator, to external auditors and accountants or to a consulting actuary;
- e. Information necessary for processing medical, workers' compensation and other insurance claims, including medical insurance coverage information to covered dependents;
- f. Benefits information necessary to coordinate exchange or joint benefits programs, and information necessary to coordinate benefit policies with other international organizations;
- g. Information on a staff member's salary and benefits (including pension and insurance) to the spouse or domestic partner of a staff member. For purpose of this subparagraph (g), a staff member's salary means the net salary and its estimated gross equivalent in the staff member's duty station, and benefits including, but not limited to, dependency allowance, assignment allowances, separation grant accrual, termination grant restoration accrual, expatriate benefits, resettlement benefits, unused annual leave benefits, pension, insurance, and identity of the staff member's most recent designation of beneficiaries, if any, for purposes of pension death benefits and Bank Group life insurance benefits. At the discretion of the World Bank Group Human Resources Vice President, or his/her designee, the Bank Group may inform the staff member concerned accordingly;
- h. Information on a staff member's salary and benefits (including pension and insurance) as defined above in subparagraph (g) to a former spouse or former domestic partner in connection with legal proceedings adjudicating a staff member's personal legal obligations related to child support or alimony as evidenced by a court order. The World Bank Group Human Resources Vice President, or his/her designee, may decide not to release any information if there is evidence of a manifest lack of due process in the issuance, or bona fide concerns about the legitimacy, of the court order. In the absence of a court order, the World Bank Group Human Resources Vice President, or his/her designee, in consultation with the Senior Vice President and General Counsel, may disclose information on a staff member's salary and benefit (including pension and insurance) as defined above in subparagraph (g) based on reasonable indicators - including evidence of ongoing litigation, evidence of absence of response to a prior request, or existence of a minor child or children - that such information is necessary for a fair determination of a staff member's obligation in respect of child support or alimony, and a determination that the release of such information is not likely to cause undue hardship to the staff member. At the discretion of the World Bank Group Human Resources Vice President, or his/her designee, the Bank Group may inform the staff member concerned accordingly;

- i. Information on a staff member's salary and benefits (including pension and insurance) to any individual for whom the staff member or retiree has signed or electronically approved an authorization to receive salary and benefits information, as long as the date of such approval is prior to the date of request for information identified in this subparagraph (i);
- j. Information to vendors who assist Bank Group managers in performance of their assigned duties, if authorized by the Office of Information Security (OIS) and approved by the World Bank Group Human Resources Vice President, or his/her designee, after consultation with the Staff Association;
- k. The name, nationality, gender and contact information of the spouse or registered domestic partner of a newly appointed staff member to the World Bank Family Network;
- l. The staff member's mailing address information, as contained in Bank Group records, to a judicial, administrative or civil authority, spouse, former spouse, registered domestic partner, former registered domestic partner, or their legal representatives, upon receipt by the Bank Group of a certified copy or original of a request from that judicial, administrative or civil authority, spouse, former spouse, registered domestic partner, former registered domestic partner, or their legal representatives, in cases of divorce or family maintenance (including spouse and/or child support);
- m. Personnel Information for law enforcement purposes to local or national authorities of member countries if the Bank Group has reason to believe that laws of a member country may have been violated, in accordance with procedures set forth in either Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," paragraph 8.06, or Staff Rule 8.01, "Disciplinary Proceedings," paragraph 6.01; and
- n. Personnel Information regarding a staff member's misconduct and resulting disciplinary measures to governmental bodies of member countries and to public international organizations, in accordance with procedures set forth in either Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," paragraph 8.06, or Staff Rule 8.01, "Disciplinary Proceedings," paragraph 7.01.

6.02 Where a staff member places a matter related to Bank Group employment at issue before a forum outside the Bank Group, the Bank Group may disclose Personnel Information to the forum used by the staff member if the World Bank Group Human Resources Vice President decides, in consultation with the Vice President for External Affairs, and the Senior Vice President and General Counsel, and, for cases involving MIGA staff, MIGA's Executive Vice President and CEO and MIGA's Director and General Counsel decides, that it is necessary for the Bank Group or MIGA, as applicable, to respond to claims made by the staff member. For cases involving IFC staff, the IFC may disclose Personnel Information to the forum used by the staff member if the Vice President, Corporate Strategy & Resources for IFC decides, in consultation with the IFC Vice President and General Counsel, that it is necessary for the IFC to respond to claims made by the staff member.

6.03 Personnel Information may also be disclosed outside the Bank Group in response to inquiries from or reports in the media, if the World Bank Group Human Resources Vice

President decides, in consultation with the Vice President for External Affairs, the Senior Vice President and General Counsel and, for cases involving MIGA staff, MIGA's Executive Vice President and CEO and MIGA's Director and General Counsel decides, that:

- a. disclosure is necessary to correct false or misleading information, or
- b. the reputation of the Bank Group or MIGA, as applicable, will be damaged without such a disclosure.

For cases involving IFC staff, Personnel Information may also be disclosed outside the IFC in response to inquiries from or reports in the media, if the Vice President, Corporate Strategy & Resources for IFC decides, in consultation with the IFC Vice President and General Counsel, that:

- a. disclosure is necessary to correct false or misleading information, or
- b. the reputation of the IFC will be damaged without such a disclosure.

6.04 Personnel Information disclosed under paragraph 6.03(a) of this Rule, shall be limited to facts that relate directly to the false or misleading information. Personnel Information disclosed under paragraph 6.03(b) of this Rule, shall be limited to facts that are necessary to protect the Bank's reputation. Efforts shall be made to safeguard confidentiality of the staff member concerned to the extent possible. The staff member concerned shall be notified of what information was disclosed and to whom within 30 calendar days after the disclosure is made.

6.05 Other than as provided in this Rule, the Bank Group will not release Personnel Information to outside parties, including member countries and their representatives, without the staff member's authorization, except in cases of emergency situations. In such cases, the staff member will be notified as soon as reasonably possible of what information is released and to whom.

### **Letter of Verification**

6.06 When a current or former staff member names the Bank Group on an employment or other application, a letter of verification may be released by the Bank Group without the authorization of the staff member or former staff member.

### **Letters of Reference**

6.07 Individual staff members of the Bank Group may provide letters of reference for current or former staff members if the letter states clearly that they are speaking on a personal basis and not on behalf of the institution.

## **07. Review of Staff Records**

### **Review of Staff Records Created On or After January 1, 1983**

7.01 A staff member may review and photocopy his/her Staff Records created on or after January 1, 1983, in the presence of the staff member's supervisor or manager, a member of the staff member's Human Resources Team, the Ombudsman, or a staff member of HR Operations. In a Country Office, the staff member may ask his/her supervisor to request that a copy of the Staff Records created on or after January 1, 1983, or part thereof, be sent from Headquarters for review. Requests for corrections and clarifications to Staff Records may be made under the procedures in paragraph 7.03 of this Rule.

### **Third Party Review of Documents Created Prior to 1983**

7.02 A staff member may request review of these documents by the staff member's supervisor or manager, a member of the staff member's Human Resources Team, the Ombudsman, or a staff member of HR Operations. Requests for corrections and clarifications to such documents may be made under the procedures in paragraph 7.03 of this Rule.

### **Corrections and Clarifications of Staff Records**

7.03 A staff member may submit a written request for the correction or clarification of the Staff Record to a member of the staff member's Human Resources Team or to HR Operations if the staff member believes that the Staff Record is incomplete or incorrect. Such requests for correction or clarification shall be made a part of the Staff Record.

## **08. Retention of Staff and Pre-Appointment Records**

### **Records of Personnel Actions, Personal History Forms, and Benefits Records**

8.01 Records of Personnel Actions, Personal History Forms, and benefits records, and documents related to such forms or records, shall be retained indefinitely.

### **Performance Reports and Other Evaluative Documents, Disciplinary Decisions, and**

#### **Limited Access Documents**

8.02 Performance reports and other evaluative documents, decisions related to disciplinary actions, and Limited Access Documents shall be retained in the Staff Records indefinitely, unless otherwise decided by the World Bank Group Human Resources Vice President, or his/her designee.

#### **Pre-Appointment Records**

8.03 Pre-Appointment Records shall be retained for a minimum of five years from date of appointment.

## **SECTION IV – EXCEPTION**

None

**SECTION V – WAIVER**

The Issuers, or their designees, may waive any provision of this Rule, with respect to their staff members, with advice from the World Bank Group Human Resources Vice President.

**SECTION VI – OTHER PROVISIONS**

None

**SECTION VII – TEMPORARY PROVISIONS**

None

**SECTION VIII – EFFECTIVE DATE**

This Directive is effective as of the date on its cover page.

**SECTION IX – ISSUER**

The Issuers of this Rule are:

World Bank Group Human Resources Vice President, HRDVP

IFC Executive Vice President and CEO, CEXVP

MIGA Executive Vice President and CEO, MIGEX

**SECTION X – SPONSOR**

The Sponsors of this Rule are:

Director, Strategy and Operations, HRDAO

Director, IFC Human Resource Department, CHRDR

Director, IBRD/MIGA Client Services, HRDCS

**SECTION XI – RELATED DOCUMENTS**

Staff Rule 2.02, "Confidentiality of Medical Information and Medical Records"

**ANNEX(ES)**

None

Questions regarding this Directive should be addressed to the Sponsor.

**World Bank Group****Directive**

Staff Rule 3.00 - Office of Ethics and Business Conduct (EBC)

**Bank Access to Information Policy Designation**

Public

Catalogue Number

EXC10.03-DIR.111

**Issued**

September 15, 2016

Effective

September 15, 2016

Content

This Directive, Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," (hereinafter "Rule") defines the functions of the Office of Ethics and Business Conduct (EBC).

Applicable to

IBRD,IDA,IFC,MIGA,ICSID

Issuer

President, IBRD/IDA, IFC and MIGA, EXC;

Sponsor

Vice President and Chief Ethics Officer, EBC; IFC Executive

Vice President and CEO, CEXVP; MIGA Executive Vice

President and CEO, MIGEX; Update : May 15, 2017

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## **SECTION I –PURPOSE AND APPLICATION**

## **SECTION II –DEFINITIONS**

## **SECTION III –SCOPE**

1.01 This Directive, Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," (hereinafter "Rule") defines the functions of the Office of Ethics and Business Conduct (EBC).

1.02 A commitment to core values and high ethical standards is important to the success of the World Bank Group ("Bank Group"). EBC promotes the development and application of the highest ethical standards by staff members in the performance of their duties with respect to the Bank Group.

1.03 This Rule applies to all staff members, as defined in Staff Rule 1.01, "General Provisions," and Staff Rule 4.01, "Appointment." This Rule shall also apply to former staff members.

1.04 Capitalized terms in this Rule have the meanings ascribed to them in Staff Rule 1.01, "General Provisions."

### **02. The Vice President and Chief Ethics Officer; Office of Ethics and Business Conduct**

2.01 The Vice President and Chief Ethics Officer, EBC, of the Bank Group reports directly to the President or his/her designee and may be removed from office, for cause and through a fair process, only by the President or his/her designee and in consultation with representative members of the staff selected by the World Bank Group Staff Association.

2.02 The Vice President and Chief Ethics Officer, EBC, shall be appointed by the President or his/her designee, for a period of five years. This appointment may be renewed by the President, or his/her designee, for one additional five year term.

2.03 In carrying out its functions under this Rule, EBC shall be free from improper interference, by any official or staff member of the Bank Group. For purposes of this Rule, any control, limitation or penalty, imposed for retaliatory purposes, shall be considered interference. In carrying out its functions, EBC staff shall adhere to the Principles of Staff Employment, Staff Rules, Administrative Manual, Code of Conduct, and other applicable Bank Group policies.

### **03. Outreach, Communications and Training**

3.01 EBC shall conduct outreach, communications and training activities designed to foster awareness of and adherence to ethical obligations of Bank Group staff members.

### **04. Reporting and Assistance with Policy Improvement**

4.01 EBC shall submit periodic reports to the Office of the President providing overviews of EBC's activities and information on issues and trends relating to the ethics and business conduct functions, including on matters such as concerns raised by staff members, lessons learned in addressing those issues, and the functioning of EBC's case management system. Such reports may be based on aggregate data and shall maintain any confidentiality protections provided to individuals by EBC, whether in the course of their seeking advice and guidance, of their participating in connection with the resolution of matters under review by EBC, or otherwise.

### **05. Advice and Guidance**

#### **Scope of Advice and Guidance**

5.01 EBC shall advise staff members on issues and questions regarding the Principles of Staff Employment, Staff Rules, Administrative Manual, Code of Conduct, and other Bank Group policies, including regarding those matters set forth in paragraph 6.01 of this Rule. EBC may refer staff members to other units within the Bank Group for further advice and guidance.

#### **Contacting EBC**

5.02 Staff members seeking advice regarding issues or questions may contact EBC. Staff members are required to contact EBC regarding the resolution of financial conflicts of interest, as provided in Staff Rule 3.03, "Financial Interest and Disclosure," Section 3, "Disclosure and Resolution of Conflicts of Interest."

### **06. Allegations of Misconduct Addressed by EBC**

#### **Scope of Allegations Addressed by EBC**

6.01 Subject to the exclusions provided in paragraphs 6.02 and 6.03 of this Rule, EBC shall review and assist in the resolution of allegations of misconduct. Misconduct does not require malice or guilty purpose, and it includes failure to observe the Principles of Staff Employment, Staff Rules, Administrative Manual, Code of Conduct, other Bank Group policies, and other duties of employment, including the following acts and omissions:

a. Failure to observe obligations relating to health and safety, personnel information, disclosure of non-public information, information security, and the unauthorized use of Bank Group offices, equipment, computer resources or staff; abuse of authority; absence from duty without justifiable cause; or abuse or misuse of Bank Group funds related to travel, benefits, allowances (including tax allowances), P-Card, petty cash, or property;

b. Reckless failure to identify, or failure to observe, generally applicable norms of prudent professional conduct; failure to perform assigned duties; gross negligence in the performance of assigned duties; performance of assigned duties in an improper or reckless manner; failure to supervise a staff member; or failure to know, and observe, the legal, policy, budgetary, and administrative standards and restrictions imposed by the Bank Group; undertaking an activity where authority to do so has been denied; or willful misrepresentation of facts intended to be relied upon;

c. Acts or omissions in conflict with the general obligations of staff members set forth in Principle 3, "General Obligations of Staff Members," of the Principles of Staff Employment and Staff Rule 3.01, "Standards of Professional Conduct" through Staff Rule 3.06, "Family Obligations – Spouse and (or) Child Support Obligations and Divorce." Omissions may include failure to file a timely, complete and accurate financial disclosure form;

d. Conviction for acts that are criminal in nature, including theft, forgery, fraud, corrupt practices, use of or possession of illegal drugs, physical assault, or domestic abuse;

e. Harassment; contributing to a hostile work environment; or wrongful discrimination, including on the basis of age, race, color, sex, sexual orientation, national origin, religion or creed;

f. Failure to meet personal legal obligations as required by Bank Group policies, including payment of court-ordered spousal and child support; and

g. Retaliation by a staff member against any person who provides information regarding suspected misconduct or who cooperates or provides information in connection with an investigation or review of allegations of misconduct, review or fact finding, or who uses the Conflict Resolution System, including retaliation with respect to reports of misconduct to which Staff Rule 8.02, "Protections and Procedures for Reporting Misconduct (Whistleblowing)" applies.

### **Limitation Based on Subject Matter**

6.02 Except in circumstances in which EBC has been expressly designated to review a matter under the provisions of Staff Rule 8.01, "Disciplinary Proceedings," paragraphs 4.02 and 4.04, EBC will not conduct reviews of allegations of misconduct involving:

- a. Misuse of Bank Group funds or other public funds (e.g. donor trust funds) for personal gain of oneself or another in connection with Bank Group operations, corporate procurement, or Bank Group administrative budgets (except for travel, benefits, allowances (including tax allowances), P-Card, petty cash or Bank Group property), loans, credits, or grant funds;
- b. Abuse of position in the Bank Group for the personal gain of oneself or another in connection with Bank Group operations, corporate procurement, or Bank Group administrative budgets (except for travel, benefits, allowances (including tax allowances), P-Card, petty cash or Bank Group property), loans, credits, or grant or donor trust funds; or
- c. Fraud, corruption, coercion, collusion, or offering, receiving or soliciting bribes, kickbacks or other (e.g., in-kind) personal benefits involving Bank Group financed/supported operations or corporate procurements; embezzlement of funds from Bank Group administrative budgets, loans, credits or grant funds. Such matters shall be handled by the Integrity Vice Presidency (INT), or otherwise in accordance with the provisions of Staff Rule 8.01, "Disciplinary Proceedings," and any other applicable rules and policies. If at any time the Vice President and Chief Ethics Officer, EBC, or the Vice President, INT, determines that there is a question as to whether all or any portion of a matter falls within the scope of authority of EBC or that of INT, the Vice President and Chief Ethics Officer, EBC, and the Vice President, INT, shall consult with each other to resolve the question.

### **Other Limitations**

6.03 Except where the President or his/her designee, or the World Bank Group Human Resources Vice President, determines that an alternative reviewer should be designated, EBC shall address matters raised under this Rule. An alternative reviewer may be any person outside of EBC, including an external reviewer from outside of the Bank Group. If the Vice President and Chief Ethics Officer, EBC, determines that EBC has a conflict of interest in addressing a matter under this Rule, EBC shall refer to the World Bank Group Human Resources Vice President, the determination as to whether an alternative reviewer should be designated to handle the matter. Where a staff member has grounds to believe that reporting suspected misconduct to line management and EBC would subject the staff member to retaliation or create a likelihood that evidence relating to the suspected misconduct will be concealed or destroyed, the staff member may report suspected misconduct directly to the World Bank Group Human Resources Vice President, with a request that an alternative reviewer outside of EBC be designated to review the report of suspected misconduct. With respect to reports of suspected misconduct that may threaten the operations or governance of the Bank Group, the provisions of Staff Rule 8.02, "Protections and Procedures for Reporting Misconduct (Whistleblowing)" shall apply.

## **07. Reporting of Allegations and Concerns Regarding Suspected Misconduct**

### **Reporting Channels**

7.01 Staff members are encouraged to report suspected staff misconduct that falls within the scope of matters addressed by EBC, as set forth in Section 6, "Allegations of Misconduct Addressed by EBC," of this Rule, to EBC or to line management, but are not required to do so. A manager who suspects or receives a report of suspected staff misconduct, however, has an obligation to report it either to EBC or, as provided in this Rule, to INT. As provided in Staff Rule 8.01, "Disciplinary Proceedings," paragraph 2.02, a staff member has a duty to report suspected fraud or corruption in Bank Group financed projects or in the administration of Bank Group business to his/her line management or to INT, and a manager who suspects or receives a report of suspected fraud or corruption has an obligation to report it to INT. With respect to reports of suspected misconduct that may threaten the operations or governance of the Bank Group, the provisions of Staff Rule 8.02, "Protections and Procedures for Reporting Misconduct (Whistleblowing)" shall apply. Reports of suspected misconduct involving Board Officials should be submitted to the Ethics Committee of the Board as provided in the Code of Conduct for Board Officials.

### **Timing of Reporting**

7.02 To facilitate effective review and resolution regarding allegations and concerns, staff members are encouraged to report misconduct in a timely manner after becoming aware of such conduct.

### **Confidentiality of Reporting**

7.03 The identity of a staff member who brings a concern or allegation to EBC will be confidential. Confidentiality means that a staff member provides his/her name, but EBC will reveal the source of the allegations outside of EBC only on a need-to-know basis, unless:

- a. the staff member consents to disclosure, or
- b. the Vice President and Chief Ethics Officer, EBC, determines that:
  - i. the staff member made allegations that were knowingly false or made with reckless disregard as to whether they were true or false, or
  - ii. there appears to be a risk of imminent danger or serious harm to individuals or the Bank Group, or
  - iii. the Bank Group is requested to disclose such information by a competent judicial authority within a member government and agrees to comply with such request.

### **Anonymous Reporting**

7.04 A staff member who brings a concern or allegation to EBC may choose to remain anonymous. Anonymity means that a staff member does not provide EBC with his/her name. A staff member who chooses to report on an anonymous basis must provide in a timely manner enough information concerning the basis of the allegations and sufficient detail or supporting factual basis that the matter can be pursued responsibly. Otherwise, the matter usually cannot be pursued further. Even where anonymous allegations are sufficiently detailed or supported to permit responsible further actions to resolve the matter as provided in this Rule, no final finding

of misconduct will be made based solely on the anonymous allegations without corroboration. Providing information to EBC on a confidential or anonymous basis does not in any way restrict the Bank Group's authority to address the matters raised, including possible misconduct by the staff member providing the report. Staff members are encouraged to report in a manner that will facilitate effective fact finding and resolution, which in general will mean confidential, rather than anonymous, reporting.

### **Knowingly False or Reckless Allegations**

7.05 Staff members shall not bring allegations under this Rule that are knowingly false or made with reckless disregard as to whether they are true or false. Doing so shall subject the staff member making such allegations to proceedings under this Rule.

### **Prohibition of Retaliation**

7.06 Retaliation by a staff member against any person who provides information regarding suspected misconduct, who cooperates or provides information in connection with a preliminary inquiry or investigation conducted under Staff Rule 8.01, "Disciplinary Proceedings," or in connection with an initial review or subsequent procedures set forth in Sections 8 through 10 of this Rule, or who uses the Conflict Resolution System, is expressly prohibited and shall result in proceedings under this Rule. This prohibition against retaliation extends also to retaliation against any person because such person was believed to be about to report misconduct or believed to have reported misconduct, even if such belief is mistaken.

## **08. Reviews of Allegations of Misconduct**

### **Preliminary Enquiries**

8.01 If EBC receives an allegation within the scope of Section 6, "Allegations of Misconduct Addressed by EBC," of this Rule, or if the basis for any such allegation otherwise comes to EBC's attention, EBC shall undertake an initial review. Alternatively, EBC may request that line management (at the level of the manager of the supervisor of the staff member whose conduct is at issue or above) conduct the initial review. Based on the initial review, EBC may conduct a further review of the matter by:

- a. Assisting the parties concerned in reaching a resolution of the matter acceptable to all parties concerned, in accordance with paragraph 9.01 of this Rule;
- b. facilitating a process whereby a staff member whose conduct is at issue may voluntarily agree to a resolution of the matter in accordance with paragraph 9.02 of this Rule; or
- c. conducting a fact finding in accordance with Section 10, "Fact Finding," of this Rule.

Alternatively, EBC may request that line management (at the level of the manager of the supervisor of the staff member whose conduct is at issue or above) conduct the procedures provided for in Section 9, "Closing Cases by Agreement," and Section 10, "Fact Findings," of

this Rule. EBC may at any time determine that an initial or further review will be conducted by the Vice President and Chief Ethics Officer, EBC, or a designated EBC official. The Vice President and Chief Ethics Officer, EBC, or a designated EBC official, may at any time decline to consider a matter further if it is determined that there is insufficient factual basis to warrant further consideration.

### **Notice and Right to Respond**

8.02 A staff member whose conduct is at issue will be notified in writing of the allegations against him/her, and of the staff member's rights and obligations, at the onset of any of the procedures set forth in clauses (a), (b), or (c) of Section 8.01 of this Rule. A staff member has a right to respond to the allegations made against him/her, either orally or in writing, or both, and may be required to do so within a reasonable period of time. The amount of time allowed a staff member to respond in writing will take into account the complexity and seriousness of the matter, but will not be less than 10 business days.

### **Gathering of Information**

8.03 The person conducting the preliminary enquiry or further review may at any time obtain information believed to be relevant to allegations made under this Rule, including personnel information and other records and documents, and may consult with persons who are believed to have knowledge or information that may assist in the resolution of the issues and questions raised.

### **Cooperation**

8.04 A staff member who is the subject of a preliminary enquiry or a further review has a duty to cooperate with the person conducting the review. A staff member believed to have knowledge relevant to a preliminary enquiry or a further review also has a duty to cooperate, unless the staff member shows a sufficient reason to justify failure to cooperate, as determined by the Vice President and Chief Ethics Officer, EBC, or a designated EBC official. Cooperation includes providing the person conducting the review with any information or materials in the staff member's possession that would support a belief that misconduct alleged under this Rule has occurred, and staff members reporting alleged misconduct are encouraged to provide such information in their reports. Failure or refusal to cooperate may constitute a violation of this Rule and may subject the staff member to proceedings under this Rule.

### **Administrative Leave**

8.05 The World Bank Group Human Resources Vice President may, pursuant to Staff Rule 6.06, "Leave," Section 9, "Administrative Leave," place a staff member on Administrative Leave pending completion of a preliminary enquiry or further review. Administrative Leave can last up to six months, and can be extended when the World Bank Group Human Resources Vice President determines that additional time is needed to complete such preliminary enquiry or further review. A staff member will be notified in writing of the decision to place him/her on Administrative Leave, the reason for the decision, and the duration of the administrative leave.

## **Referral of Matters for Law Enforcement Purposes and Disclosure of Information to Member Countries and Public International Organizations**

8.06 The Bank Group may disclose information obtained in the course of a review of alleged misconduct to local or national authorities for law enforcement purposes in accordance with Staff Rule 2.01, "Confidentiality of Personnel Information," paragraph 5.01 (o), in accordance with the procedures set forth in Staff Rule 8.01, "Disciplinary Proceedings," paragraph 6.01. The Bank Group may also disclose information obtained in the course of a review of alleged misconduct to governmental bodies of member countries and to public international organizations in accordance with Staff Rule 2.01, "Confidentiality of Personnel Information," paragraph 5.01 (p), in accordance with the procedures set forth in Staff Rule 8.01, "Disciplinary Proceedings," paragraph 7.01.

### **09. Closing Cases by Agreement**

#### **Closing Cases with No Further Action**

9.01 The Vice President and Chief Ethics Officer, EBC, or a designated EBC official, and the staff member raising a concern, any staff member whose conduct is at issue, and any other concerned parties as identified by EBC, may mutually agree to attempt to address the matter informally. If EBC and the parties concerned reach an understanding of the matter at issue and mutually agree that no further action by EBC is necessary, EBC shall document that fact and shall not take any further action on the matter at that time. Alternatively, a line manager who has been requested by EBC to perform this function, and the staff member raising a concern, any staff member whose conduct is at issue, and any other concerned parties as identified by EBC, may mutually agree to attempt to address the matter informally. If the line manager and the parties concerned reach an understanding of the matter at issue and mutually agree that no further action by EBC or the line manager is necessary, and if EBC concurs, EBC shall document that fact and neither EBC nor the line manager shall take any further action on the matter at that time. Alternatively, EBC may refer to other resources cases that may benefit from the involvement of a third party.

#### **Closing Cases with Binding Resolution**

9.02 If the Vice President and Chief Ethics Officer, EBC, or a designated EBC official, determines that a matter could be effectively resolved through an agreement with a staff member whose conduct is at issue, EBC may offer this option to the staff member. Alternatively, if a line manager who has been requested by EBC to perform this function determines that a matter could be effectively resolved through an agreement with a staff member whose conduct is at issue, the line manager may, subject to EBC's concurrence, offer this option to the staff member. Any such agreement shall require the agreement of the staff member's manager at the Director level or above and the concurrence of the World Bank Group Human Resources Vice President or his/her designee. Such an agreement may include factual findings, and may require the staff member to participate in performance management measures or may subject the staff member to disciplinary measures. Any such agreement shall be recorded in writing and shall be binding.

The factual findings contained in such an agreement may be used in consideration of future performance management or disciplinary actions, provided that such measures or disciplinary proceedings are not based wholly on facts set forth in such agreement.

## **10. Fact Findings**

### **Decision to Conduct a Fact Finding**

10.01 If the Vice President and Chief Ethics Officer, EBC, or a designated EBC official, determines that there is a sufficient basis to believe that facts may develop that would effectively be addressed through performance management measures or disciplinary measures, or that a fact finding may otherwise be useful in understanding and resolving the matter, EBC, or a line manager requested by EBC to perform this function, may conduct a fact finding to determine further information regarding the substance and circumstances of the matter.

### **Assistance During a Fact Finding**

10.02 A staff member against whom the allegations at issue have been made may be accompanied at interviews in the course of a fact finding by another staff member who is reasonably available, who is not connected to the matter under review, and who is approved in advance by the Vice President and Chief Ethics Officer, EBC. The presence of such a person will not relieve a staff member of the obligation to respond personally in the matter under review. Members of any Legal Vice Presidency or Legal Department of the Bank Group may not represent, advise or otherwise assist a staff member in connection with fact findings under this Rule.

### **Summary of Findings**

10.03 If at the end of the fact finding process the person conducting the fact finding determines to recommend that the allegations be addressed through performance management measures or disciplinary measures, a written summary of factual findings and recommendations will be prepared. If the person who conducted the fact finding was a line manager requested to do so by EBC, the recommendations included in the written summary shall be subject to EBC's concurrence.

### **Performance Management Recommendations, Decisions and Notifications**

10.04 If the Vice President and Chief Ethics Officer, EBC, or a designated EBC official, recommends that the matter be further addressed through performance management actions, EBC will consult with the staff member, the staff member's manager, and the responsible Manager, Human Resources Team /HR Regional Head , to determine appropriate measures to address the concerns. Alternatively, if a line manager whom EBC has requested perform this function recommends that the matter be further addressed through performance management actions, the line manager will consult with the staff member, the staff member's manager, and the relevant Manager, Human Resources Team /HR Regional Head , to determine, subject to EBC's concurrence, appropriate measures to address the concerns. The staff member's manager shall

confirm the outcome of the consultation in a memorandum to the staff member, with a copy provided to the Manager, Human Resources Team /HR Regional Head and to EBC for filing in the Limited Access Section of the staff member's Staff Records.

### **Disciplinary Measures Recommendations**

10.05 If the person conducting the fact finding recommends that the matter be addressed through the imposition of one or more disciplinary measures, the staff member whose conduct is at issue shall be provided with a written summary of factual findings and recommendations. This staff member shall be given an opportunity to comment on the findings, and these comments shall be reviewed to determine whether they warrant any modification to the recommendations on the matter. The amount of time allowed a staff member to comment will take into account the complexity and seriousness of the matter, but will not be less than 10 business days. The summary, along with the staff member's comments and a response from the person conducting the fact finding, will be submitted to the World Bank Group Human Resources Vice President for a decision. Alternatively, if the fact finding has been conducted by a line manager, the line manager will determine whether misconduct has occurred and, if so, may censure the staff member either orally or in writing, subject to the concurrence of EBC. If the line manager believes the discipline should be something other than oral or written censure, the line manager will, subject to the concurrence of EBC, make a recommendation to the World Bank Group Human Resources Vice President, regarding a decision on the finding of misconduct and the discipline to be imposed.

### **Disciplinary Measures**

10.06 Depending on the circumstances of the matter, one or more of the following disciplinary measures may be taken by the Bank Group when misconduct is determined to have occurred, provided the determination is made within three years from the date that the misconduct on which the disciplinary measure is based is discovered, except that no time limitation will apply to a determination of misconduct for which mandatory termination is to be imposed:

- a. Oral or written censure;
- b. Suspension from duty with pay, with reduced pay, or without pay;
- c. Restrictions on access to the Bank Group's premises;
- d. Restitution, compensation or forfeiture payable to the Bank Group from a staff member's pay or benefits, or through a reduction or elimination of a salary increase in respect of a prior year in which it is later determined misconduct occurred, either to penalize a staff member or to pay the Bank Group for losses attributable to misconduct;
- e. Removal of privileges or benefits, whether permanently or for a specified period of time;
- f. Reassignment;

- g. Assignment to a lower level position;
- h. Demotion without assignment to a lower level position;
- i. Reduction in future pay, including the withholding of future pay increases;
- j. Ineligibility for promotion, whether permanently or for a specified period;
- k. Termination of appointment;
- l. Loss of future employment and contractual opportunities with the Bank Group; and
- m. When the financial disclosure form that is submitted pursuant to the requirements set forth in Staff Rule 3.03, "Financial Interest and Disclosure," is not timely, complete or accurate, in addition to the disciplines described above, a fine to the staff member in accordance with Staff Rule 3.03, "Financial Interest and Disclosure," paragraph 3.06.

### **Suspension of Payment of Benefits Due Upon Termination**

10.07 If a staff member terminates from service while a misconduct review is ongoing, the World Bank Group Human Resources Vice President may suspend payment of all benefits due to the staff member upon termination, except for benefits due under the Staff Retirement Plan, until

a decision on misconduct is made provided that:

- a. there is a reasonable basis to believe that the staff member may be required to pay restitution or to otherwise compensate the Bank Group for financial losses attributable to the staff member's actions;
- b. the suspended funds will earn interest at the savings account rate offered by the Bank Fund Credit Union during the period of the suspension, if posted in Headquarters, and the local savings account rate determined by the head of the country office, if posted in a country office;
- c. suspension of payment is unlikely to cause undue hardship for the staff member;
- d. the staff member is notified of the decision to suspend payment of benefits, the reasons for the suspension, and of the right to appeal the decision directly to the Administrative Tribunal; and
- e. payment of benefits shall not be suspended for longer than one year, except where the World Bank Group Human Resources Vice President determines that additional time is needed to complete an investigation.

10.08 If the staff member is determined to owe funds to the Bank Group when a decision on misconduct is made, those funds may be deducted in full from any benefits suspended under paragraph 10.07 of this Rule. If the staff member is determined not to owe funds to the Bank

Group, the benefits shall be paid to the staff member in full, plus interest, within 30 days from the date that the decision on misconduct is made.

### **Imposition of Disciplinary Measures**

10.09 Upon a finding of misconduct, disciplinary measures, if any, imposed by the Bank Group on a staff member will be determined on a case-by-case basis. Any decision on disciplinary measures will take into account such factors as the seriousness of the matter, any extenuating circumstances, the situation of the staff member, the interests of the Bank Group, and the frequency of conduct for which disciplinary measures, as provided in paragraph 10.06 of this Rule may be imposed. Subject to the provisions of paragraph 10.10 of this Rule, termination of service will be mandatory, where it is determined that any of the following misconduct has occurred:

- a. Misuse of Bank Group funds or other public funds for the personal gain of oneself or another in connection with Bank Group activities or employment, or abuse of position in the Bank Group for the personal gain of oneself or another;
- b. Conviction of a felonious criminal offense; or
- c. Refusal by the staff member to file a timely, complete and accurate financial disclosure form without reasonable justification acceptable to EBC.

### **Review of Mandatory Termination of Service**

10.10 Where termination is mandatory under this Rule, the President or his/her designee appointed to review the case, retains full and sole discretion to determine otherwise based on particular circumstances – i.e., where an act is a felony in one jurisdiction but not in most others, or where there has been a manifest lack of due process in the relevant case.

### **Disciplinary Measures Decision**

10.11 The World Bank Group Human Resources Vice President, will decide, after consultation with the staff member's manager and based on EBC's findings, whether conduct warranting the imposition of disciplinary measures on a staff member occurred and what, disciplinary measures should be imposed. Where there is conflict of interest for the World Bank Group Human Resources Vice President, a Managing Director, or the President or his/her designee shall make the decision.

### **Notification of Disciplinary Measures Decision**

10.12 The staff member whose conduct is at issue will be notified of the decision, the disciplinary measures, the reasons for their imposition, and the right to appeal. Except where the measure is oral censure, the notification will be in writing.

## **11. Special Provision for Disciplinary and Decision Making Process in Matters Involving Failure to Comply with Financial Disclosure Requirements Application**

11.01 This Section sets forth special provisions regarding failure to comply with financial disclosure requirements as described in Staff Rule 3.03, "Financial Interest and Disclosure," and supersedes, for these matters, the procedures described in Sections 6 through 10.04 of this Rule.

### **Special Provision**

11.02 EBC shall notify a staff member in writing if the staff member fails to file a financial disclosure form by the annual filing deadline set by EBC, or if the staff member fails to provide requested additional information by the due date. EBC shall have the authority to impose fines, in accordance with Staff Rule 3.03, "Financial Interest and Disclosure," paragraph 3.06. In addition, after EBC notifies the staff member in writing of his/her failure to submit a timely, complete, and accurate financial disclosure form or provide additional information as requested, EBC will submit to the World Bank Group Human Resources Vice President, the record of EBC's communications with a staff member whenever, without a justification acceptable to EBC, a staff member does not submit a timely, complete, and accurate financial disclosure form or does not provide additional information as requested, as required by Staff Rule 3.03, "Financial Interest and Disclosure." The World Bank Group Human Resources Vice President, will decide, based on the record, whether the staff member's noncompliance constitutes misconduct and, if so, what other disciplinary measures to impose in addition to fines imposed by EBC.

## **12. Special Provision for Disciplinary and Decision Making Process in Matters Involving Failure to Meet Personal Legal Obligations as Required by Bank Group Policies Application**

12.01 This section sets forth special provisions for the disciplinary and decision making process in matters involving a staff member's failure to meet personal legal obligations as required by Bank Group policies, including (a) payment of court-ordered spouse and/or child support, and (b) income tax levies or liens, except those tax levies or liens involving tax years for which the staff member was paid an allowance by the Bank Group, in which case Sections 6 through 10 of this Rule shall apply. For all other personal legal obligations, this Section 12 supersedes the procedures set forth in Sections 6 through 10.04 of this Rule.

### **Special Provision**

12.02 EBC shall notify a staff member in writing if the staff member fails to demonstrate compliance with his/her personal legal obligations as required by Bank Group policies and as set forth in paragraph 12.01 of this Rule. After EBC notifies the staff member in writing of his/her failure to demonstrate that compliance, EBC will submit to the World Bank Group Human Resources Vice President, the record of EBC's communications with a staff member whenever, without a justification acceptable to EBC, a staff member failed to demonstrate compliance with his/her personal legal obligations as set forth in paragraph 12.01 of this Rule. The World Bank

Group Human Resources Vice President, will decide, based on the record, whether the staff member's noncompliance constitutes misconduct and, if so, what disciplinary measures, from Section 10 of this Rule, to impose.

**SECTION IV – EXCEPTION**

None

**SECTION V – WAIVER**

The Issuer may waive any provision of this Rule, with advice from the Vice President and Chief Ethics Officer, EBC.

**SECTION VI – OTHER PROVISIONS**

None

**SECTION VII – TEMPORARY PROVISIONS**

None

**SECTION VIII – EFFECTIVE DATE**

This Rule is effective as of the date on its cover page.

**SECTION IX – ISSUER**

The Issuer of this Rule is the President, IBRD/IDA, IFC and MIGA, EXC

**SECTION X – SPONSOR**

The Sponsor(s) of this Rule are:

Vice President and Chief Ethics Officer, EBC

IFC Executive Vice President and CEO, CEXVP

MIGA Executive Vice President and CEO, MIGEX

**SECTION XI – RELATED DOCUMENTS**

Directive/Procedure, "Conduct of Disciplinary Proceedings for EBC Investigations"

Staff Rule 2.01, "Confidentiality of Personnel Information"

Staff Rule 8.01, "Disciplinary Proceedings"

Directive/Procedure, "Conduct of Disciplinary Proceedings for INT Investigations"

Staff Rule 8.02, "Protections and Procedures for Reporting Misconduct (Whistleblowing)"

AMS 6.20, "Information Security" – Annex A: "Information Security Policy for Information Users"

**ANNEX(ES)**

None

Questions regarding this Rule should be addressed to the Vice President and Chief Ethics Officer, EBC. Update : May 15, 2017

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***Staff Connections - World Bank Intranet***

**03 General Obligations of Staff Members**

**03.06 Family Obligations - Spouse and (or) Child Support Obligations and Divorce**

01. Subject, Policy Rationale and Applicability

02. Spouse and/or Child Support Obligations, Criteria, Procedure, Divorce

## 03. Disciplinary Proceedings

## 04. 'Pendente Lite' Spouse and/or Child Support Orders and Spouse and/or Child Support Orders Included within Protection Orders

## 05. Challenged Court Orders or Requests

**01. Subject, Policy Rationale and Applicability Subject**

1.01 This Rule sets forth the procedures adopted by the Bank Group to ensure compliance by staff members with their personal legal obligations regarding spouse and child support and divorce. This Rule was most recently amended on October 28, 2013.

**Policy Rationale**

1.02 The purpose of this Rule is to ensure that the Bank Group's privileges and immunities are not used to shield staff members from their personal legal obligations or from the due observance of the law for those obligations involving financial support to family members through spouse and/or child support. **Applicability**

1.03 This Rule applies to all staff members. This Rule does not apply to deductions from pensions to satisfy court ordered support obligations to a former spouse or separated spouse, as this would be governed by the terms of the Staff Retirement Plan and Trust.

**02. Spouse and/or Child Support Obligations, Criteria, Procedure, Divorce Spouse and/or Child Support Obligations**

2.01 Staff members must comply with their personal legal obligations and observe applicable law, including all obligations involving financial support to family members through spouse and/or child support.

**Criteria**

2.02 The Bank Group may commence deductions from a staff member's salary for spouse and/or child support if all the following criteria are met:

- a. the Bank Group receives an original, copy or certified copy of a court order or request from a judicial or administrative authority that:
  - i. evidences a legal obligation of a staff member to make payment of a readily ascertainable amount or percentage of salary; and
  - ii. orders a staff member to make payments for spouse and/or child support, or evidences the staff member's underlying obligation or failure to make those payments; and
- b. the staff member fails to furnish to the Bank Group, through its Office of Ethics and Business Conduct (EBC), evidence that he/she has complied with his/her personal legal obligations as set forth in that court order or request after being contacted by EBC in accordance with this Rule.

### **Procedure Receipt of Court Orders and Requests**

2.03 The Bank Group may initiate the Procedure set forth in this Rule upon receipt of a copy or original of the court order or request from a judicial or administrative authority regarding spouse and/or child support obligation(s) of a staff member. However, upon receipt of a copy or original of that court order or request the Bank Group:

a. reserves the right to request additional information and documentation from the sender, including proof of service of the court order or request to the other party, before the Bank Group initiates the Procedure set forth in this Rule;

b. in cases where the Bank Group receives a copy of the court order or request, the Bank Group may:

- ii. confirm with the sender his/her commitment to send the original or certified copy of the court order or request to the Bank Group within a reasonable time; and ii. neither initiate nor conclude the Procedure unless and until the original or certified copy of that court order or request is received by the Bank Group within a reasonable time.

For the purpose of this Rule, a certified copy means a copy stamped or otherwise certified by a competent authority who can verify and attest that the copy is the same as the original.

2.04 Upon receipt of a court order or request from a judicial or administrative authority regarding spouse and/or child support obligation(s) of a staff member pursuant to paragraph 2.03 of this Rule, the Bank Group will respond to the sender of that court order or request and, when no additional information and documentation is required from the sender, forward the matter to EBC . EBC will contact the staff member concerned and advise him/her of the need to comply with his/her personal legal obligations as set forth in the court order or request. If, within five (5) business days of such contact with the staff member, the staff member has not furnished EBC with evidence establishing compliance with the court order or request, EBC:

a. may authorize deductions of the amounts for spousal and/or child support from the staff member's salary in accordance with the court order or request, provided, however, that the court order or request meets the criteria described in paragraph 2.02 (a) of this Rule; or

b. if, however, the staff member's salary is not processed through payroll (i.e., STCs and STTs) EBC (i) shall notify the staff member in writing of his/her failure to demonstrate that compliance and (ii) will submit to the Vice President, Human Resources, the record of EBC's communications with a staff member pursuant to Staff Rule 3.00 Office of Ethics and Business Conduct, Section 12. The Vice President, Human Resources, will decide, based on the record, whether the staff member's noncompliance constitutes misconduct and, if so, what disciplinary measures from Staff Rule 3.00 Section 10 to impose.

### **Repeater Submissions of Court Orders or Requests**

2.05 In cases where the Bank Group receives a subsequent court order or request regarding the same staff member and spouse and/or child support obligation(s), or receives a complaint about a

late or partial payment for an already ordered spouse and/or child support obligation(s), together with the court order or request, EBC shall notify the staff member concerned in writing. The staff member has three (3) business days from the date of that written notification to demonstrate to the satisfaction of EBC that he/she has made satisfactory electronic payment arrangements for the amounts due. If the staff member fails to make those payment arrangements, EBC may authorize deductions of the amounts for spousal and/or child support from the staff member's salary in accordance with the court order or request, provided, however, that the court order or request meets the criteria described in paragraph 2.02 (a) of this Rule.

### **Commencement of Salary Deductions**

2.06 Deductions from a staff member's salary, in accordance with this Rule, will commence as of the first salary payment, in accordance with Staff Rule 6.01 (Compensation) paragraph 6.02, , to be made to the staff member following the Bank Group's decision to make such deductions. The amounts deducted shall be directed to the person or authority named as recipient of those payments by the court order or request received by the Bank Group.

### **Divorce**

2.07 Notwithstanding paragraph 2.08 of this Rule, in order to be accepted by the Bank Group as a court order for purposes of this Rule, Divorce decree(s) (or equivalent) establishing spouse and/or child support obligations of a staff member at the time of divorce must fulfill the criteria set forth in paragraph 2.02(a) of this Rule. If EBC , in consultation with the Legal Department, determines that the Divorce decree (or equivalent) fails to satisfy the criteria set forth in paragraph 2.02(a) of this Rule, the party requesting action by the Bank Group based on that Divorce decree (or equivalent) must furnish to the Bank Group another document that fulfills the criteria set forth in paragraph 2.02(a) of this Rule before the Bank Group commences the Procedure set forth in this Rule.

2.08. When the Bank Group is presented with two (2) or more Divorce decrees (or equivalent) from different jurisdictions regarding the same staff member and spouse, the Manager, Human Resources Service Center, or a designated official, may decide not to take any further action with respect to personnel and compensation matters until the Bank Group receives evidence from a court of competent jurisdiction finally adjudicating the matters in dispute.

2.09. When the Bank Group is presented with a Divorce decree (or equivalent), the Manager, Human Resources Service Center, or a designated official, may notify the other spouse concerned that the Divorce decree was received by the Bank and that the Bank Group will process the Divorce decree accordingly. If the other spouse concerned provides evidence within thirty (30) calendar days of receipt of that notice that the Divorce decree (or equivalent) is being challenged in a court of competent jurisdiction, the Human Resources Service Center may suspend taking any further action with respect to personnel, benefits and compensation matters relating to the divorce until the Bank Group receives evidence from a court of competent jurisdiction finally adjudicating the matters in dispute.

### **03. Disciplinary Proceedings Disciplinary Proceedings**

3.01 Staff members will be held accountable for failure to comply with their personal legal obligation(s) by having amounts due pursuant to a court order or request deducted from their salary in accordance with this Rule. Deductions from salary made pursuant to this Rule are not disciplinary measures. However, in addition to deductions from salary pursuant to this Rule, staff members may be subject to disciplinary measures under Staff Rule 3.00, Office of Ethics and Business Conduct, Section 12 for failure to comply with their personal legal obligation(s), including payment of court-ordered spousal and child support.

#### **04. 'Pendente Lite' Spouse and/or Child Support Orders and Spouse and/or Child Support Orders Included within Protection Orders**

4.01 The Bank Group will give effect to *Pendente Lite* spouse and/or child support orders in accordance with this Rule provided those Pendente Lite orders fulfill the legal requirements set forth in paragraph 2.02(a) of this Rule.

For purpose of this paragraph, *Pendente Lite* orders mean orders that are issued pending the outcome of litigation.

4.02 The Bank Group will give effect to spouse and/or child support orders included within Protection Orders in accordance with this Rule provided the spouse and/or child support orders fulfill the legal requirements set forth in Paragraph 2.02(a) of this Rule. For the purpose of this paragraph:

a. Protection Orders include any injunction, restraining order, or any other order issued by a judicial or administrative authority to prohibit violent or threatening acts, sexual violence or harassment against, or contact, communication or physical proximity with, another person.

b. A spouse and/or child support order included within a Protection Order means an order from a judicial or administrative authority which establishes a spouse and/or child support obligation as part of a Protection Order.

#### **05. Challenged Court Orders or Requests**

5.01 The Bank Group may honor the court order or request establishing spouse and/or child support as received by the Bank Group and in accordance with this Rule unless the staff member furnishes to the Bank Group an original or certified copy of a document from a competent authority that supersedes the court order or request as received by the Bank Group.

5.02 If any court order or request is cancelled or changed, the Bank Group will not recover from the payee any amounts paid as specified in paragraph 2.06 of this Rule prior to the cancellation or change to the court order or request. The Bank Group will not reimburse the staff member for any amounts paid prior to the Bank's receipt of the original or certified copy of the court order or request cancelling or changing the prior court order or request.

#### **World Bank Group**

Directive

Staff Rule 6.06 - Leave

**Bank Access to Information Policy Designation**

Public

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Content

This Directive, Staff Rule 6.06, "Leave" (hereinafter "Rule") sets forth the provisions governing the staff members' taking of leave.

Applicable to

IBRD,IDA,IFC,MIGA,ICSID

Issuer

World Bank Group Human Resources Vice President, HRDVP;

Sponsor

Director, Strategy and Operations, HRDAO;

**SECTION I – PURPOSE AND APPLICATION**

1.01 This Directive, Staff Rule 6.06, "Leave" (hereinafter "Rule") sets forth the provisions governing the staff members' taking of leave.

1.02 This Rule applies to the Staff of the institutions of the World Bank Group.

1.03 Except as otherwise specified, the provisions of this Rule apply to all staff members holding Regular, Open-Ended, Term, Local Staff Regular, or Executive Director's Advisor appointments. In addition, special provisions for staff on Extended Term Consultant or Extended Term Temporary appointments apply as stated in paragraphs 11.01-11.06, "Leave for Staff Holding Extended Term Consultant and Extended Term Temporary Appoints," of this Rule.

**SECTION II – DEFINITIONS**

2.01 In addition to the definitions in Staff Rule 1.01, "General Provisions," for purposes of this Rule, the term "leave year" means the period beginning March 1 and ending on the last day of the following February.

**SECTION III – SCOPE****03. Annual Leave****General**

3.01 Annual leave is absence from duty with pay for vacation, rest and relaxation, and for other purposes on occasions when other types of leave are not applicable.

**Accrual**

3.02 Staff members accrue annual leave on a daily basis at the following annual rates: <b>Length of Service</b>	<b>Number of Hours of Leave a Year</b>
Under 5 years	208 hours
5 but less than 10 years	224 hours
10 or more years	240 hours