

DIRECTOR'S DECISION

Date: 31 October 2014

Decision n°: 89

Title: Amendment of Director's Decision N° 50 of 05 September 2013 EIGE's Working Time Policy

Background

The initial provisions entitled Working Time Policy put into force by Director's Decision N° 50 of 05 September 2013 (Ref. EIGE/VL/mj D/2013/590) lay down the implementation of flexible working arrangements at the Institute.

Purpose for the amendment

The Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) N° 259/68, have been amended by Regulation (EU, Euratom) No1023/2013 of the European Parliament and of the Council of 22 October 2013 (the 'revised Staff Regulations').

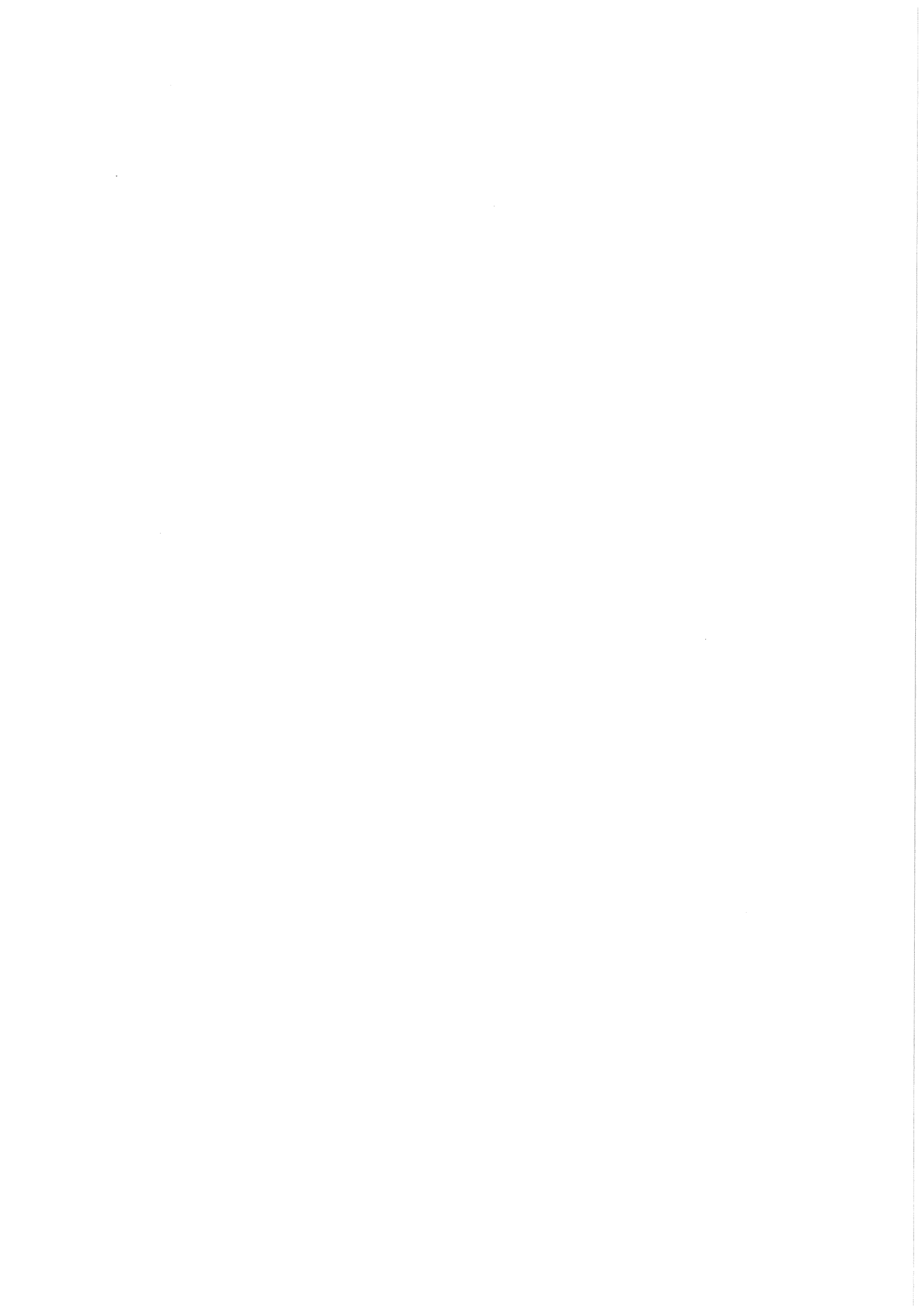
In order to implement the changes brought about by the revised Staff Regulations and in the interests of clarity and legal certainty, Decision SEC(2006) 1796 setting out the implementation of flexible working arrangements has been repealed and replaced by Commission Decision C(2013) 8995 on Working Time, which was adopted by the College on 16 December 2013 and entered into force on 1 January 2014 as well as Commission decision C(2014) 2502 dated 15 April 2014 that was adopted by EIGE's Management Board on 5 June 2011.

Decision: The Director approves the amendments to the Institute's Working Time Policy enclosed herewith, which shall repeal and replace the Working Time Policy put into force by Director's Decision No 50 of 05 September 2013 (Ref. EIGE/VL/mj D/2013/590).

Application of this policy shall take effect on 1 November 2014.



Virginija Langbakk





WORKING TIME POLICY

Adopted by Director's Decision N° 89 of 31 October 2014

These provisions shall apply as of 1 November 2014 to all Institute staff¹ except those to whom the provisions of the second paragraph of Article 44 of the Staff Regulations apply².

These provisions replace and repeal the Working Time Policy put into force by Director's Decision N° 50 of 5 September 2013.

¹ EIGE staff includes Temporary Agents, Contract Agents, Seconded National Experts, National Experts in professional Training and Trainees. For contractual reasons it excludes staff on interim arrangements and other agreements.

² Heads of Unit shall manage their working time in agreement with the Director. Nonetheless for administrative purposes they are required to record their working time and absences.

1 Opening hours

The Institute's opening hours for staff members are from 07:00³ to 20:00, Monday to Friday.

2 Official working hours

The number of working hours is 40 per week spread over five working days. The standard working time is eight hours per day and four hours for a half day. The required monthly working time eight hours multiplied by the number of working days in the month.

Staff members who wish to work either before 07:00 or after 20:00 on a weekday or on the weekend or on a public holiday, need to obtain approval in writing from their Head of Unit⁴. Requests need to indicate which specific tasks are to be carried out and a justification needs to be provided as to why such work cannot be done during official opening hours.

3 Core time

Core time is the period during which all staff shall be present in the Institute⁵. Outside core time members of staff are free to choose the time of arrival and departure within the framework of flexitime. Core time shall be respected as follows: Monday to Fridays, from 09:30 to 12:00 and from 14:30 to 16:00.

4 Lunch breaks

As the duration of the working day may not exceed 10 hours (nine hours for staff working part-time), a lunch break outside core working hours of not less than 20 minutes must be taken when daily working time is more than 5 hours.⁶

5 Time management

5.1 Recording working hours

Staff shall manually record their respective working hours in Allegro⁷.

³ Access to EIGE before 8 am is via Vilniaus gatve 10 the secondary entrance/exit.

⁴ A form will be made available to facilitate requests and approvals.

⁵ Certain exemptions are contemplated and colleagues leaving at some point during core time for specific reasons need to obtain written clearance from their respective Head of Unit with HR in copy.

⁶ This reflects Article 2.2 of the Annex to the Commission Decision C(2014) 2502 on working time that was adopted by EIGE's Management Board on 5 June 2014.

⁷ <https://euhr.adequasys.com>

The recording of hours is confidential. Only the individual and the relevant Head of Unit together with HR as administrators have access. Heads of Unit are responsible for managing the flexitime arrangements of their respective teams.

In the event of a staff member's working time repeatedly falling outside core working time, appropriate action to address the situation will be taken.

5.2 Transferable hours

At the end of the month, surplus hours will be automatically reduced to 20 hours. Deficit hours exceeding 16 will be considered as unauthorised absence and will result in a corresponding deduction from annual leave.

However a surplus exceeding 20 hours or a deficit exceeding 16 hours at the end of the month may exceptionally be carried over where service reasons, sick leave or force majeure prevented the person concerned from adjusting the balance appropriately. In this case, the balance must be corrected in the following month.

5.3 Flexi-leave

Following Head of Unit approval, staff can choose to take up to a maximum of two and a half days or five half days per month as flexitime leave, whereby one full day is equivalent to eight hours and a half day is equivalent to four hours⁸.

Requests for flexi-leave may:

- not be submitted more than one calendar month in advance.
- only be withheld for exceptional work related reasons that are documented by the Head of Unit concerned.

Staff members occupying grades AD9/AST9 to whom the provisions of the second paragraph of Article 44 of the Staff Regulations do not apply, may request to take half a day as flexi-leave for each four hours in credit. No more than four half days may be taken off as recuperation each calendar month.

In addition, a staff member is not permitted to apply for flexi-leave retrospectively to replace any other leave taken.

On termination of contract, a staff member is required to use up any outstanding flexi-leave before departure. Deficit hours will be deducted from any outstanding annual

⁸ This reflects Article 5.2 of the Annex to the Commission Decision C(2014) 2502 on working time that was adopted by EIGE's Management Board on 5 June 2014.

leave entitlement. All staff members are expected to ensure that their working hours are in order before their departure.

Heads of Unit can exercise discretion when dealing with requests for flexi-leave. Towards the end of a calendar year, flexi-leave may be restricted in order to manage the issue of deferred leave exceeding 12 days being carried over to the following year.

A member of staff found to have claimed flexitime leave on the basis of inaccurate data in their timesheets may have to compensate the time lost from her/his annual leave and may have her/his right to flexi-leave withdrawn.

5.4 Overtime

The principles of overtime compensation at a higher rate do not apply to staff other than Temporary Agents in the AST 1 to AST 4 grades⁹ (in line with the Staff Regulations) and Contract Agents in FG I and II (in accordance with Commission documentation).

Management may request staff to work overtime in order to cope with matters of unforeseeable urgency or exceptional priority (to be duly justified by management) and compensation for this time will be agreed to by management on the basis of an equivalent number of hours¹⁰ using the ratios noted below.

Overtime is normally compensated on the basis of 1:1.5. If an hour of overtime is worked either between 20:00 and 07:00 or on a Saturday, Sunday or on a public holiday, then compensation is on the basis of 1:2.

In the event that the requirements of the service do not permit that compensatory leave is taken during the month following the one which the overtime was worked, then the relevant Head of Unit may authorise remuneration for uncompensated hours of overtime on the ratios set out in the previous paragraph¹¹.

5.5 Absences

Professional training, annual leave, sick leave and special leave shall all be treated as standard working time. Language training and other training classified as "of shared interest" shall be held outside core time. In exceptional circumstances and only following approval by the Institute's Director, 50% of this time may be registered as working time.

⁹ See Article 56 and Annex VI of the Staff Regulations.

¹⁰ As provided in collective agreements negotiated in EU Member States, not more than 10 working hours may be requested in one day and a lunch break of not less than 30 minutes must be taken.

¹¹ See Article 56 and Annex VI of the Staff Regulations.

For absences to attend private medical/dental appointments, staff shall endeavour to organise these outside core time. However, a flexible approach will be taken for staff working full time, except in the event of manifest abuse. When an appointment cannot take place outside core hours, a Head of Unit is authorised to provide clearance (authorised absence). A simple e-mail from the staff member concerned to her/his Head of Unit informing about the circumstance will suffice. Such authorised absence is to be recorded as absence and not working time and would need to be deducted or accounted for accordingly.

6 Missions¹²

A mission of one or more full days is accounted for as eight hours per day. Where real working hours or combined working and travel hours are higher, they may be counted up to a maximum of 10 hours per day. Such flexibility should in particular be applied in relation to missions lasting five working days or more. A mission carried out within standard working time or a mission beginning or ending during a day, with the remainder of the day being worked at the office, is accounted for as the combined mission and office work time, up to a maximum of 10 hours.¹³

Outside of travel time, missions involving work on a weekend or a public holiday can be recouped as annual leave. An email from the member of staff concerned (with documentation attached as necessary) will need to be sent to HR; copied to the relevant Head of Unit so that the recuperated time-off can be adjusted in Allegro as "authorised out of office".

Compensation for travel at a weekend or on public holidays will also be credited to annual leave entitlement and will be granted as follows: four hours credit per day for missions inside the EU; higher compensation may be granted for missions outside the EU, up to a maximum of eight hours. Where a mission finishes with an overnight flight (landing after 23:00) and a morning return to the place of work, a special half day's recuperation (as extended mission time) will be granted. This special half day leave will be recorded in the mission order form.

¹² As defined and calculated according to EIGE's Missions Policy which is based on the European Commission's rules and practices. The Institute's Missions Policy provides further details such as the circumstances when flights offered can be refused by a member of staff. Principles of overtime compensation only apply to the staff categories noted in paragraph 1 of Section 5.4 above.

¹³ EIGE's Mission Guide paragraph 5 states that "Solely for the purpose of settling mission expenses, 30 minutes are automatically added to the departure and arrival times for journeys by train and two hours before take-off and after landing for journeys by air." Consequently, staff returning from the place of mission after 14:00 by air and after 15:30 by train cannot be obliged to return to the office.

