

DECISION OF THE EUROPEAN CENTRAL BANK
of 19 November 2007
amending the European Central Bank Staff Rules and Rules for Short-Term Employment
(ECB/2007/NP15)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Rules of Procedure of the European Central Bank, and in particular Article 21.1 and 21.3 thereof,

Having regard to the Conditions of Employment for Staff of the European Central Bank (hereinafter the 'Conditions of Employment')¹,

Having regard to the opinion of the Staff Committee,

Whereas:

Decision ECB/2007/NP12 of 9 November 2007 amending the Conditions of Employment for Staff of the European Central Bank simplified the ECB's administrative processes to optimise the use of administrative and human resources and information technologies. Based on this objective, it is necessary to also amend the Staff Rules and the Rules for Short-Term Employment,

HAS DECIDED AS FOLLOWS:

Article 1

Pro rata basis for salary and allowances

1. Article 3.1.1 of the Staff Rules is replaced by the following:

'Whenever

- a member of staff does not serve a full month, or
- changes in the employment situation have occurred,

salaries and allowances shall be pro-rated based on the actual number of days worked in relation to the total number of working days for that period, unless otherwise stated in these Rules.'

¹ Decision as last amended by Decision ECB/2007/NP12 of 9 November 2007.

2. Article 3.1.1 of the Rules for Short-Term Employment is replaced by the following:

‘Whenever

- a short-term contract employee does not serve a full month, or
- changes in the employment situation have occurred,

salaries and allowances shall be pro-rated based on the actual number of days worked in relation to the total number of working days for that period, unless otherwise stated in these Rules.’

Article 2

Removal of ceiling for cross-border payments of salaries

1. The third sentence of the first paragraph of Article 3.2.1 of the Staff Rules is replaced by the following:

‘Members of staff may request to transfer entirely or partially their monthly net standard salary into a bank account in the European Union, but outside Germany.’

2. The third sentence of the first paragraph of Article 3.2.1 of the Rules for Short-Term Employment is replaced by the following:

‘Short-term contract employee may request to transfer entirely or partially their monthly net standard salary into a bank account in the European Union, but outside Germany’.

Article 3

Alignment of child and education allowances

1. The first indent of the third subparagraph of Article 3.6.3(b) of the Staff Rules is replaced by the following:

‘at the end of the month in which studies are completed; or’.

2. The second sentence of Article 3.8.12 of the Staff Rules is deleted.

Article 4

Part-time arrangements

1. The words ‘two months’ in the first paragraph of Article 5.2.1 of the Staff Rules are replaced by ‘three months’. The words ‘one year’ in the second paragraph of Article 5.2.1 of the Staff Rules are replaced by ‘three years’.

2. Article 5.2.2 of the Staff Rules is replaced by the following:

‘The weekly working hours shall be at least 20 hours. The daily and weekly distribution of working hours shall be agreed between local management and members of staff according to criteria established by the Director General Human Resources, Budget and Organisation or his/her Deputy Director General.’

Annual leave entitlement shall be calculated on a pro-rata basis and rounded up to the nearest half hour. In case of an entitlement to special leave, such leave shall be granted on dates related to the event which gives rise to the special leave regardless of the distribution of working hours.’

3. The following Article is inserted as Article 5.11 into the Rules for Short-Term Employment:

‘5.11 Part-time work

The provisions of Article 23 of the Conditions of Short-Term Employment are applied as follows:

‘5.11.1 Subject to work requirements, a short-term employee may be authorised to work part-time. Application must be made at least three months in advance to the relevant Director General/Director or his/her representative, setting out the reasons for the request.

On the recommendation of the Director General/Director or his/her representative, the Director General Human Resources, Budget and Organisation or his/her Deputy Director General shall grant authorisation to work part-time for a minimum period of six months which may be extended.

5.11.2 The weekly working hours shall be at least 20. The daily and weekly distribution of working hours shall be agreed between local management and short-term contract employees according to criteria established by the Director General Human Resources, Budget and Organisation or his/her Deputy Director General.

Leave entitlement shall be calculated on a pro-rata basis and rounded up to the nearest half hour. In case of an entitlement to special leave, such leave shall be granted on dates related to the event which gives rise to the special leave regardless of the distribution of working hours.

5.11.3 The basic salary and the travel allowance shall be prorated to the time worked.

The medical and dental plan benefits as well as the accident insurance benefits shall be fully maintained and the contributions calculated on the basis of the full basic salary.’

Article 5

Alignment of the annual leave entitlement for short-term contract employees

Article 5.6.1 of the Rules for Short-Term Employment is replaced by the following:

‘The entitlement shall be 20.3 hours per month. If a full month is not worked, the allowance shall be prorated and rounded up to the nearest half hour.’

Article 6

Rounding rules for annual leave entitlement

1. Article 5.7.1 of the Staff Rules is replaced by the following:
'If a full year is not worked, the leave entitlement shall be calculated on a pro rata basis taking into account an average of 21 working days per month and rounded up to the nearest half hour.'
2. The words 'half day' in the third paragraph of Article 5.10.2 of the Staff Rules and Article 5.9.2 of the Rules for Short-Term Employment are replaced by the words 'half hour'.

Article 7

Carry-over of annual leave entitlement

The fourth paragraph of Article 5.7.2 of the Staff Rules is replaced by the following:

'The Director General Human Resources, Budget and Organisation or his/her Deputy Director General may approve a further unlimited carry over provided local management justifies the exceptional reasons for the member of staff's inability to take the minimum leave within the foreseen period.'

Article 8

Settlement of the outstanding or annual leave taken in excess

1. The first paragraph of Article 5.7.7 of the Staff Rules shall be replaced by the following:
'In calculating the amount for settling outstanding annual leave or annual leave taken in excess, a standard 21 working day month shall be used and one day's annual leave shall be equivalent to one day's payment.'
2. The first paragraph of Article 5.6.7 of the Rules for Short-Term Employment shall be replaced by the following :
'In calculating the amount for settling outstanding annual leave or annual leave taken in excess, a standard 21 working day month shall be used and one day's annual leave shall be equivalent to one day's payment.'

Article 9

Overtime rates

Article 5.3.1 of the Staff Rules and Article 5.2.1 of the Rules for Short-Term Employment are replaced by the following:

“Overtime” means:

- work carried out in excess of the applicable working hours for part-time work;
- work carried out in excess of 40 hours per week;

- work carried out in excess of eight hours per standard working day if the excess is more than six hours;
- work carried out on Saturdays, Sundays and public holidays.

Where the lunch break has to be curtailed for very urgent business reasons, an adequate break shall be provided later in the day.’

Article 10

Compensatory leave for overtime worked

1. Article 5.3.6 of the Staff Rules is replaced by the following:
‘Compensatory leave for overtime shall be transferred to the annual leave account of the member of staff further to the approval of the Director General/Director or his/her representative. If compensatory leave cannot be granted, members of staff may be granted overtime payment in lieu of leave.’
2. Article 5.2.6 of the Rules for Short-Term Employment is replaced by the following:
‘Compensatory leave for overtime shall be transferred to the annual leave account of the member of staff further to the approval of the Director General/Director or his/her representative. If compensatory leave cannot be granted, members of staff may be granted overtime payment in lieu of leave.’

Article 11

Reference period for the hourly rate and marginal tax rate applicable to overtime and inconvenient hour compensation

1. The words ‘paid in the month preceding that of payment’ from Article 5.3.7 of the Staff Rules and Article 5.2.7 of the Rules for Short-term Employment are replaced by the following:
‘of the month in which the overtime was worked’.
2. The words ‘preceding that of payment’ from Article 5.3.9 of the Staff Rules and Article 5.2.9 of the Rules for Short-term Employment are replaced by the following:
‘during which the overtime, shift work or on-call duty was worked’.

Article 12

Calculation basis for the ECB medical and dental plan and accident insurance

1. The third paragraph of Article 5.2.4 of the Staff Rules is replaced by the following:
‘The medical and dental plan benefits as well as the accident insurance benefits shall be fully maintained. Contributions to the ECB medical and dental plan shall be calculated on the basis of the corresponding basic full-time salary; contributions to the accident insurance shall be calculated on the basis of the corresponding basic full-time salary plus allowances. If a member of staff can be

covered for medical insurance in another way, he/she may opt out of the ECB medical and dental plan.’

2. The fourth bullet point of Article 5.11.6 of the Staff Rules is replaced by the following:

‘- continued cover under the ECB medical and dental plan and accident insurance, provided that during the leave they pay their personal contributions. Contributions to the ECB medical and dental plan shall be calculated on the basis of the corresponding basic full-time salary before the parental leave starts. Contributions to the accident insurance shall be calculated on the basis of the corresponding basic full-time salary plus allowances before the parental leave starts. Contributions shall be adjusted in line with salary adjustments and the cost development of the ECB medical and dental plan and the accident insurance. Alternatively, the member of staff may opt out of the medical and dental plan and accident insurance for the period of the parental leave.’

3. Article 5.12.4 of the Staff Rules is amended as follows:

The first paragraph and the third paragraph are amended as follows:

After the words ‘the full contribution’ the following words are inserted ‘, including the ECB’s contribution,’

The fourth paragraph is replaced as follows:

‘Contributions to the ECB’s medical and dental plan shall be calculated on the basis of the corresponding basic full time salary prior to the commencement of the unpaid leave. Contributions to the accident insurance shall be calculated on the basis of the corresponding basic full-time salary plus allowances prior to the commencement of the unpaid leave. Contributions shall be adjusted in line with salary adjustments and changes to the insurance premiums occurring during the period of unpaid leave.’

Article 13

Clarification of the concept of dependent child for the purposes of the medical and dental plan

1. The following wording is inserted at the end of Article 6.2.2 of the Staff Rules:

‘within the meaning of Articles 15 and 16 of the Conditions of Employment.’

2. Article 6.1.2 of the Rules for Short-term Employment is replaced by the following:

‘Cover shall normally cease on the date on which employment with the ECB ends or, in respect of the short-term contract employee’s spouse or children, on the date on which they are no longer considered as dependent.

For the purposes of this provision, a spouse shall be considered as dependent if his/her gross annual income does not exceed EUR 49,020 per calendar year within the meaning of Article 3.5.1 of the Staff Rules. This amount is subject to revision in conjunction and in line with general salary reviews.

For the purposes of this provision, a child shall be considered as dependent within the meaning of Article 16 of the Conditions of Employment.'

Article 14

Entry into force

This Decision shall enter into force on the first day of the month following its communication to staff.

Done at Frankfurt am Main, 19 November 2007.

[signed]

The President of the ECB

Jean-Claude TRICHET