



DECISION OF THE EUROPEAN CENTRAL BANK

of 8 February 2011

**amending the European Central Bank Staff Rules and the Rules for Short-Term Employment
as regards working time and leave**

(ECB/2011/NP2)

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 and the Conditions of Short-Term Employment,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) For reasons of sound administration, it is opportune to introduce a minimum notice period of three months for requests to work part-time, and for parental and unpaid leave.
- (2) Members of staff should receive additional days of special leave in case of birth or death of members of their family as well as leave for travelling time related to such special leave.
- (3) Adoption leave should be aligned with maternity leave while allowing some flexibility.
- (4) In the context of special leave for illness of a spouse, recognised partner, close relative or dependent child, members of staff should receive the option of using annual or unpaid leave for the first two days of special leave.
- (5) The special leave for illness of a dependent child should take into account the situation of single parents.
- (6) A specific provision should consider any hospitalisation of a dependent child,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to the Staff Rules

The Staff Rules are amended as follows:

1. The following Article 3.6.7 is added

‘3.6.7 Single parent

“Single parent” means a member of staff who has one or more dependent children as defined in Article 3.6.1 and who is neither married nor in a recognised partnership as defined in Article 3.4.1.’.

2. Article 5.2.1 is replaced by the following:

‘5.2.1 Subject to the interests of the service, members of staff may be authorised to work part-time for reasons such as care for a child, an aged or sick relative or recognised partner, or for health reasons. They shall submit their application setting out the reasons for the request at least three months in advance to their Director General/Director or his/her representative.

On the recommendation of the Director General/Director or his/her representative, the Director General Human Resources, Budget and Organisation or his/her Deputy, shall grant authorisation for part-time work for a minimum of six months and a maximum of three years. For any subsequent request to work part-time, the minimum period for such a part-time work arrangement shall be longer than 12 months, unless the Director General Human Resources, Budget and Organisation or his/her Deputy decides otherwise.

The procedure described in the first and second paragraphs shall also apply to requests by members of staff to extend a part-time work arrangement, to change agreed working hours under a part-time work arrangement or to return to full-time work prior to the expiry of the part-time arrangement.

The Director General Human Resources, Budget and Organisation or his/her Deputy may in exceptional circumstances consider requests that were not submitted at least three months in advance.’.

3. Article 5.9 is replaced by the following:

‘5.9 Maternity and adoptive leave

The provisions of Article 28(i) and (ii) of the Conditions of Employment are applied as follows:

5.9.1 On application by the member of staff, maternity leave shall start between three and six weeks before the expected date of confinement. It shall end when the period laid down in Article 28(i) or (ii) of the Conditions of Employment has elapsed, this period being

calculated from the date on which the maternity leave starts or the actual date of confinement, whichever occurs first. The expected date of confinement shall be included in the medical certificate sent, at least three months before the expected date of confinement, to the Directorate General Human Resources, Budget and Organisation, which shall afterwards confirm the maternity leave entitlement.

5.9.2 Adoptive leave shall be granted for adoption of a dependent child as defined in Article 3.6.1. The total period of adoptive leave shall be granted to the adoptive parents subject to the total leave available to both parents from all sources being 20 weeks or 24 in the case of multiple adoptions within a one-year period. The adoptive leave shall be taken within a one-year period following the date of adoption as specified in the adoption certificate. Where necessary for the purposes of the adoption, it may be granted up to six weeks prior to the date of adoption. Subject to the interests of the service, the Director General Human Resources, Budget and Organisation or his/her Deputy may grant authorisation to a member of staff to use the leave entitlement in several periods.

5.9.3 Annual leave shall remain unaffected by maternity and adoptive leave. There shall be no entitlement to special leave during maternity and adoptive leave. Any days of illness during maternity or adoptive leave shall be considered as maternity or adoptive leave respectively.

5.9.4 The basic salary and allowances shall be paid during maternity and adoptive leave.’.

4. Article 5.10.1, 5.10.2 and 5.10.3 is replaced by the following:

‘5.10.1 On application via the member of staff’s Director General/Director or his/her representative, the Director General Human Resources, Budget and Organisation or his/her Deputy shall grant special leave as follows:

(a) marriage

- of the member of staff: four days,
- of a child as defined in Article 3.6.1(a): two days,
- of a (step)parent, (step)brother, (step)sister, grandparent, grandchild, (step)parent-in-law or a (step)parent of the member of staff’s recognised partner: one day;

(b) death

- of spouse or recognised partner: four days,
- of a child as defined in Article 3.6.1(a) to (c): four days,
- of a (step)parent, (step)brother, (step)sister, grandparent, grandchild, (step)parent-in-law or a (step)parent of the member of staff’s recognised partner: four days;

- (c) birth or adoption of a child as defined in Article 3.6.1(a): 10 days. In the event of the death of the mother during maternity leave, the other parent, if the latter is a member of staff or a short-term contract employee, shall receive the remaining days of maternity leave, as defined in Article 28(i) and (ii) of the Conditions of Employment;
- (d) change of residence of the member of staff
 - on taking up appointment with the ECB: two days,
 - other: one day.

Special leave shall be granted for the day of the event and/or the days immediately before or following the event that gives rise to the special leave. In case of birth or adoption of one or more children, special leave shall be granted for the days falling within the period of maternity or adoptive leave, as defined in Article 28(i) and (ii) of the Conditions of Employment, or, alternatively, for the days immediately before or following those periods.

- 5.10.2 On application via the member of staff's Director General/Director or his/her representative, the Director General Human Resources, Budget and Organisation or his/her Deputy shall grant special leave of up to five days per calendar year for the medically certified illness of a dependent child under the age of 18, where the certificate demonstrates that the illness requires the presence of the member of staff. The member of staff shall first take two days of annual or unpaid leave per calendar year per dependent child for such certified illness. Where the member of staff is a single parent, this requirement shall be reduced to one day. The notice period for requesting unpaid leave, specified in Article 5.12.2, shall not apply.

In the event of subsequent certified illness of the same dependent child in the same calendar year, the member of staff may use any remaining days of special leave, without having to request further days of annual or unpaid leave. Where a member of staff does not work for a full year, his/her entitlement to special leave shall be proportional to the period worked and rounded up to the nearest half hour.

- 5.10.3 On application via the member of staff's Director General/Director or his/her representative, the Director General Human Resources, Budget and Organisation or his/her Deputy shall grant special leave of up to five days per calendar year, in the event of the illness of one or more of the following persons:
- his/her spouse or recognised partner,
 - his/her child above the age of 18 or the child above the age of 18 of his/her spouse or recognised partner,

- his/her (step)parent, (step)brother, (step)sister, grandparent, grandchild, (step)parent-in-law or a (step)parent of the member of staff's recognised partner.

Special leave shall be granted from the third day of the medically certified illness, where the certificate demonstrates that the illness requires the presence of the member of staff. The member of staff shall first take two days of annual or unpaid leave per calendar year for such certified illness. The notice period for requesting unpaid leave in Article 5.12.2 shall not apply.

In the event of subsequent certified illness of that same or another of the abovementioned persons in the same calendar year, the member of staff may use any remaining days of special leave, without having to request further days of annual or unpaid leave. Where a member of staff does not work for a full year, his/her entitlement to special leave shall be proportional to the period worked and rounded up to the nearest half hour.'.

5. Article 5.10.5 is replaced by the following:

'5.10.5 Additional special leave for the reasons mentioned in Article 5.10.2 and 5.10.3, and special leave for other reasons, may be approved by the Director General Human Resources, Budget and Organisation or his/her Deputy on a case-by-case basis.'.

6. The following Article 5.10.6 and 5.10.7 is added:

'5.10.6 In addition to the days of special leave granted in accordance with Article 5.10.1 and 5.10.4, travelling time of up to two days per calendar year for travelling to and from an event covered by those Articles shall be granted to the member of staff as follows:

- one day for travel by air, where the one-way flight time is up to four hours;
- one day for travel by other means than air travel over a distance between 200 and 400 km;
- two days where a combination of travel according to (a) and (b) is required, as well as for any travel of a longer duration or over a longer distance.

The days of special leave for travelling time shall be calculated on the basis of the quickest means of travel.

5.10.7 On application via the member of staff's Director General/Director or his/her representative, the Director General Human Resources, Budget and Organisation or his/her Deputy shall grant special leave of up to five days for medically certified hospitalisation of a dependent child under the age of 18. In case of prolonged hospitalisation, the Director General Human Resources, Budget and Organisation or his/her Deputy may extend the special leave on a case-by-case basis.'.

7. Article 5.11.3 and 5.11.4 is replaced by the following:

‘5.11.3 Members of staff shall apply for parental leave to the Directorate General Human Resources, Budget and Organisation via their Director General/Director or his/her representative at least three months in advance. In exceptional circumstances, the Director General Human Resources, Budget and Organisation or his/her Deputy may also consider requests that were not submitted at least three months in advance.

5.11.4 The procedure described in Article 5.11.3 shall also apply to requests to extend parental leave. A member of staff may return to duty prior to the expiry of parental leave subject to a delay decided on a case-by-case basis. In any event, the delay shall not exceed six months or the expiry date of the parental leave, whichever is the sooner.’.

8. Article 5.12.2 is replaced by the following:

‘5.12.2 Members of staff shall apply for unpaid leave to the Directorate General Human Resources, Budget and Organisation via their Director General/Director or his/her representative at least three months in advance. In exceptional circumstances, the Director General Human Resources, Budget and Organisation or his/her Deputy may also consider requests that were not submitted at least three months in advance.

The procedure described in the first paragraph shall also apply to requests by a member of staff to extend the unpaid leave or to return to duty prior to the expiry of such leave.’.

9. The following Article 5.12.6 is added:

‘5.12.6 Members of staff who have been granted unpaid leave in accordance with Article 5.10.2 and 5.10.3 shall remain covered under the ECB medical and dental plan and the ECB group accident insurance scheme. Annual and other leave entitlements, as well as child and education allowances, shall not be affected by the unpaid leave granted under the abovementioned Article.’.

Article 2

Amendments to the Rules for Short-Term Employment

The Rules for Short-Term Employment are amended as follows:

1. Article 5.8 is replaced by the following:

‘5.8 Maternity and adoptive leave

The provisions of Article 27(i) and (ii) of the Conditions of Short-Term Employment are applied as follows:

5.8.1 On application by the short-term contract employee, maternity leave shall start between three and six weeks before the expected date of confinement. It shall end when the period

laid down in Article 27(i) or (ii) of the Conditions of Short-Term Employment has elapsed, this period being calculated from the date on which the maternity leave starts or the actual date of confinement, whichever occurs first. The expected date of confinement shall be included in the medical certificate sent, at least three months before the expected date of confinement, to the Directorate General Human Resources, Budget and Organisation, which shall afterwards confirm the maternity leave entitlement.

5.8.2 Adoptive leave shall be granted in case of adoption of a dependent child as defined in Article 3.6.1 of the Staff Rules. The total period of adoptive leave shall be granted to the adoptive parents subject to the total leave available to both parents from all sources being 20 weeks or 24 in the case of multiple adoptions within a one-year period. The adoptive leave shall be taken within a one-year period following the date of adoption as specified in the adoption certificate. Where necessary for the purposes of the adoption, it may be granted up to six weeks prior to the date of adoption. Subject to the interests of the service, the Director General Human Resources, Budget and Organisation or his/her Deputy may grant authorisation to the short-term contract employee to use the leave entitlement in several periods.

5.8.3 Annual leave shall be unaffected by maternity and adoptive leave. There shall be no entitlement to special leave during maternity and adoptive leave. Any days of illness during maternity or adoptive leave, shall be considered as maternity or adoptive leave respectively.

5.8.4 The basic salary and allowances shall be paid during maternity and adoptive leave.’.

2. Article 5.9 is replaced by the following:

‘5.9 Special leave

The provisions of Article 27(iii) of the Conditions of Short-Term Employment are applied as follows:

5.9.1 On application via the short-term contract employee’s Director General/Director or his/her representative, the Director General Human Resources, Budget and Organisation or his/her Deputy shall grant special leave as follows:

- (a) marriage
 - of the short-term contract employee: four days,
 - of a child as defined in Article 3.6.1(a) of the Staff Rules: two days,
 - of a (step)parent, (step)brother, (step)sister, grandparent, grandchild, (step)parent-in-law or a (step)parent of the short-term contract employee’s recognised partner: one day.

- (b) death
 - of spouse or recognised partner: four days;
 - of a child as defined in Article 3.6.1(a) to (c) of the Staff Rules: four days,
 - of a (step)parent, (step)brother, (step)sister, grandparent, grandchild, (step)parent-in-law or a (step)parent of the short-term contract employee's recognised partner: four days.
- (c) birth or adoption of a child as defined in Article 3.6.1(a) of the Staff Rules: 10 days. In the event of the death of the mother during maternity leave, the other parent, if the latter is a member of staff or a short-term contract employee, shall receive the remaining days of maternity leave, as defined in Article 27(i) and (ii) of the Conditions of Short-Term Employment.
- (d) change of residence of the short-term contract employee
 - on taking up appointment with the ECB: two days;
 - other: one day.

Special leave shall be granted for the day of the event and/or the days immediately before or after the event that gives rise to the special leave. In case of birth or adoption of one or more children, special leave shall be granted for the days falling within the period of maternity or adoptive leave, as defined in Article 27(i) and (ii) of the Conditions of Short-Term Employment, or, alternatively, for the days immediately before or following those periods.

5.9.2 On application via the short-term contract employee's Director General/Director or his/her representative, the Director General Human Resources, Budget and Organisation or his/her Deputy shall grant special leave of up to five days per calendar year for medically certified illness of a dependent child under the age of 18, where the certificate demonstrates that the illness requires the presence of short-term contract employee. The short-term contract employee shall first take two days of annual or unpaid leave per calendar year per dependent child in relation to such certified illness. Where the short-term contract employee is a single parent as defined in Article 3.6.7 of the Staff Rules, this requirement shall be reduced to one day. In the event of subsequent certified illness of the same dependent child in the same calendar year, the short-term contract employee may use any remaining days of special leave, without having to request further days of annual or unpaid leave. The notice period for requesting unpaid leave in Article 5.12.2 of the Staff Rules shall not apply.

The entitlement of a short-term contract employee to special leave under this Article shall be proportional to the period worked and rounded up to the nearest half hour.

Article 5.12.6 of the Staff Rules shall apply by analogy to a short-term contract employee who has been granted unpaid leave in accordance with this Article.

5.9.3 On application via the short-term contract employee's Director General/Director or his/her representative, the Director General Human Resources, Budget and Organisation or his/her Deputy shall grant special leave of up to five days per calendar year, in the event of illness of one or more of the following persons:

- his/her spouse or recognised partner,
- his/her child above the age of 18 or the child above the age of 18 of his/her spouse or recognised partner,
- his/her (step)parent, (step)brother, (step)sister, grandparent, grandchild, (step)parent-in-law or a (step)parent of the short-term contract employee's recognised partner.

Special leave shall be granted from the third day of the medically certified illness, where the certificate demonstrates that the illness requires the presence of short-term contract employee. The short-term contract employee shall first take two days of annual or unpaid leave per calendar year for such certified illness. The notice period for requesting unpaid leave in Article 5.12.2 of the Staff Rules shall not apply.

In the event of subsequent certified illness of that same or another of the abovementioned persons, the short-term contract employee may use any remaining days of special leave, without having to request further days of annual or unpaid leave.

The entitlement of a short-term contract employee to special leave under this Article shall be proportional to the period worked and rounded up to the nearest half hour.

Article 5.12.6 of the Staff Rules shall apply by analogy to a short-term contract employee who has been granted unpaid leave in accordance with this Article.

5.9.4 Short-term contract employees may apply via their Director General/Director or his/her representative for special leave to be granted by the Director General Human Resources, Budget and Organisation or his/her Deputy when they have to fulfil legal duties (e.g. compulsory military reserve training, compulsory appearances as a witness before a court). Such leave will be granted if the short-term contract employee is otherwise likely to be subject to penalties imposed by a national administration.

The number of days granted will be decided on a case-by-case basis, taking into account particular needs and circumstances.

Any emolument paid to short-term contract employees in connection with the grounds for the special leave will be deducted from their remuneration or may be credited to the ECB.

5.9.5 Additional special leave for the reasons mentioned in Article 5.9.2 and 5.9.3 and special leave for other reasons may be approved by the Director General Human Resources, Budget and Organisation or his/her Deputy on a case-by-case basis.

5.9.6 In addition to the days of special leave granted in accordance with Article 5.9.1 and 5.9.4, the short-term contract employee shall receive travelling time of up to two days per calendar year for travelling to and from an event covered by those Articles:

- (a) one day for travel by air, where the one-way flight time is up to four hours;
- (b) one day for travel by other means than air travel over a distance between 200 and 400 km;
- (c) two days where a combination of travel according to (a) and (b) is required, as well as for any travel of a longer duration or over a longer distance.

The days of special leave for travelling time shall be calculated on the basis of the quickest means of travel.’.

5.9.7 On application via the short-term contract employee’s Director General/Director or his/her representative, the Director General Human Resources, Budget and Organisation or his/her Deputy shall grant special leave of up to five days for the medically certified hospitalisation of a dependent child under the age of 18. In case of prolonged hospitalisation, the Director General Human Resources, Budget and Organisation or his/her Deputy may extend the special leave on a case-by-case basis.’.

3. Article 5.11.1 is replaced by the following:

‘5.11.1 Subject to the interests of the service, short-term contract employees may be authorised to work part-time for reasons such as care for a child, an aged or sick relative or recognised partner, or for health reasons. They shall submit their application setting out the reasons for the request at least three months in advance to their Director General/Director or his/her representative.

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

The procedure described in the first and second paragraphs shall also apply to requests by the short-term contract employee to extend a part-time work arrangement, to change agreed working hours under a part-time work arrangement or to return to full-time work prior to the expiry of the part-time arrangement.

The Director General Human Resources, Budget and Organisation or his/her Deputy may in exceptional circumstances consider requests that were not submitted at least three months in advance.’.

Article 3

Entry into force and transitional regime

1. This Decision shall enter into force on the first day of the month following its communication to staff.
2. Members of staff and short-term contract employees who have taken annual leave between 1 January 2009 and the entry into force of this Decision on the grounds and under the conditions specified in Article 5.10.2 and 5.10.3 of the Staff Rules, and Article 5.9.2 and 5.9.3 of the Rules for Short-Term Employment, may within three months following the entry into force of this Decision request retroactive consideration of such annual leave as unpaid leave.

Done at Frankfurt am Main, 8 February 2011.

[signed]

The President of the ECB

Jean-Claude TRICHET