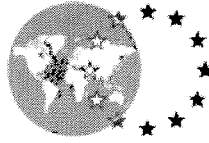


EUROPEAN EXTERNAL ACTION SERVICE



CHIEF OPERATING OFFICER

Brussels, 26. 06. 2014
eeas.mdr.c.6(2014)

Subject: Working time policy in the EEAS

This instruction on the EEAS working time policy replaces the instruction of 29 November 2011 and takes into account the recently approved changes of the Staff Regulations. The EEAS working time policy is applicable both at Headquarters and in Delegations and aims to reconcile organisational needs with individuals' rights. Unless otherwise specified, these rules apply to delegation staff from the EEAS and from the Commission.

Working Hours

Working time rules are based on Commission Decision C(2014)2502 dated 15 April 2014 and the EEAS Decision DEC(2014) 032 extending the application of this Commission Decision to the EEAS. The Commission Decision clarifies that specific provisions for delegation staff are to be determined by the EEAS in close cooperation with the Commission.

Under the above mentioned EEAS Decision DEC(2014) 032, the Commission Decision applies by analogy to EEAS staff and to Commission staff in EU Delegations.

However, by derogation from the Commission Decision, these staff members have the choice, but not the obligation, to work under the flexitime regime, and the obligation of recording working time only applies to staff working under the flexitime regime.

The number of working hours is 40 hours per week as of 1 January 2014, spread over 5 working days. The standard working time is 8 hours per working day with one rest period of at least 20 minutes outside core time when the time worked is 5 hours or more.

Working hours for staff not applying flexitime shall be specified, as appropriate, by the hierarchical superior in the interest of the service. The default working time is from 8:30 to 12:30 and from 13:30 to 17:30.

At Headquarters, all staff must be present during core time, i.e. from 09:30 to 12:00 and from 15:00 to 16:30 (16:00 on Wednesdays and Fridays).

In Delegations, and wherever possible, the same core time applies. However, under Article 4(2)(b) of the Commission Decision on working time, derogations to core time may be allowed to take account of specific service needs. In particular, local climatic conditions, religious and/or cultural practices may justify derogations from the application of the same core time. In order to take into account local conditions, the Head of Delegation may, after consultation of the Delegation's staff representation, propose different working time schedules. Requests for derogations have to be submitted to and approved by the EEAS Director for Human Resources, who will inform the EEAS Staff Committee and, when Commission staff is concerned, the Human Resources Units of the Directorates-General to which the Commission staff member is assigned and the Commission Staff Committee.

The 40-hour working week does not apply to Local Agents in Delegations whose weekly working hours remain unchanged and continue to be regulated by the terms of their contracts and the Specific Conditions of Employment for each Delegation.

Heads of Delegations should take the necessary measures to ensure that the working hours of the Local Agents serve the interests of the service in the best possible manner, depending on the particular needs and possibilities in each Delegation.

Special working hours

Under Article 2(4) of the Commission Decision on working time, special working hours can be determined for staff assigned to certain functions due to particular service requirements linked to the nature of their duties, subject to the approval of the EEAS MDR 'Administration and Finance' after consultation of the EEAS Staff Committee, and where Commission staff is concerned the Human Resources Units of the Directorates-General to which the Commission staff member is assigned and the Commission Staff Committee. This option is particularly suitable for services whose operational needs require the presence of support staff earlier or later than the normal working hours, but not necessarily for longer hours overall.

Flexible working hours

Flexible working hours are an essential element of a modern and efficient public administration and may be applied across the EEAS and by Commission staff working in EU Delegations, with the exclusion of those organisational entities or individual posts whose operational needs are incompatible with flexible working arrangements. While respecting the core times, in the context of a 40-hour week and taking into account the interest of the service, staff can choose when to start work, have a lunch break and go home (within the overall maximum working periods from 7h00 to 20h30 subject however to the provisions of Article 4(1) of the Commission Decision on working time).

Credit or debit balances are normally offset by shorter or longer working days. For the purpose of calculating the credit/debit balance the computation of the daily working hours may not exceed a total of 10 hours. Alternatively, up to a maximum of 2 full days or 4 half-days (i.e. 16 hours) per month can be taken off as flexitime recuperation of credit balance. Flexitime recuperation is not an entitlement; the primary objective of the flexitime scheme remains to make the workday more flexible and not to obtain systematic recuperation of days or half-days.

Officials holding management positions are excluded from the flexible working hours' scheme and shall manage their working time in agreement with their superiors.

Officials in grade AD/AST 9 or higher shall not be granted entire working days as flexitime recuperation.

Credit of up to 20 hours can be carried over to the following month. Any credit balance in excess of 20 hours at the end of the month shall be automatically reduced to 20 hours. Debit balances shall not exceed 16 hours. However, a credit balance exceeding 20 hours or debit balance exceeding 16 hours at the end of the month may exceptionally be carried over to the next month where service reasons, sick leave or force majeure prevented the person concerned from adjusting the balance appropriately.

Overtime

Under the new provisions of the Staff Regulations (Article 56 and Annex VI), compensation for overtime - either in the form of compensatory leave or remuneration - is open to officials and temporary staff classified in grade SC 1 to SC 6 or grade AST 1 to AST 4, as well as to contract agents in function groups I and II.

Rules applicable to EEAS staff

Overtime management entails significant administrative work and has a considerable and unpredictable impact on the EEAS budget. Furthermore, overtime work generally does not foster an efficient management of staff and organizational performance.

For these reasons line managers may request staff to perform overtime work only in cases of urgency or exceptional pressure of work and must consider all available alternatives before requiring staff to work overtime. In practice, flexitime and in particular permission for staff to recuperate credit hours up to the foreseen limits may help to reduce the need for overtime. Ad-hoc arrangements for temporary reassignment of staff within the organizational entities concerned might also be considered.

In any event, compensation for overtime shall be authorized by the EEAS Human Resources Directorate subject to the preliminary submission and approval of a duly substantiated request by the directorate concerned (or entity of equivalent or higher hierarchical level). Such requests shall indicate the specific exceptional grounds and circumstances justifying recourse to overtime, staff members involved, periods concerned, estimated number of overtime hours per staff member and possible remedial measures. The EEAS Administration shall in principle refuse to authorize insignificant amounts of overtime, encouraging line managers to consider alternative options.

If an authorisation for overtime is given, and in case there is no possibility for the staff member to take compensatory leave during the two months following that month when the overtime was worked, the staff member shall be entitled to overtime compensation as provided in Article 56 and Article 1 of Annex VI of the Staff Regulations. Based on an

analysis of its evolving needs, the EEAS may authorize overtime work on a permanent basis for staff assigned to posts requiring regularly longer working hours, by means of a monthly flat-rate allowance for this purpose. This "function allowance", only available for staff members in grades SC 1 to SC 6 and AST 1 to AST 4, can be granted provided that they carry out the overtime work in special conditions. The Joint Committee has to be consulted beforehand.

Rules applicable to Commission staff in EU delegations

As far as Commission staff in Delegations is concerned, given the budgetary impact and in view of the fact that Appointing Authority powers have not been delegated to the EEAS in this area, overtime may only be decided by the relevant Appointing Authority at the Commission.

Teleworking

Teleworking may be authorised, subject to a favourable opinion from line managers, the availability of proper teleworking capacity and necessary technical equipment, and prior authorization from the Appointing Authority. At present, teleworking arrangements are in practice not applicable for staff in Delegations and limited to staff at Headquarters whose duties are suitable for teleworking and do not require the constant physical presence of the staff member in the office. In any case, teleworking arrangements entail also periods of work in the office according to conditions specifically agreed. For that reason, teleworking can only be granted to staff members who perform teleworking at a reasonable distance from the place of employment. Authorization for teleworking can also be granted to occasional teleworkers, taking into account specific personal/family circumstances. Individual decisions authorising teleworking shall be taken in accordance with the provisions of the Commission's Decision on teleworking applicable by analogy pursuant to EEAS Decision DEC(2014) 009 of 13/02/2014.

Stand-by duty and shift work at Headquarters

Stand-by duty (at home or the place of work) and shift-work arrangements enable to provide a swift response to crisis situations and other emerging needs. This capability is to be considered as responding to a permanent specific business need.

Each stand-by or shift-work service should be established in line with the relevant legislation (Articles 56a and 56b of the Staff Regulations and Council Regulations 495/77 and 300/76 respectively, as amended).


Based on the analysis of specific service requirements, the EEAS Human Resources Director shall draw up a comprehensive list of authorised services along with the jobholders concerned.

Job descriptions

Stand-by duty or shift-work requirements as well as work which is incompatible with the flexitime regime and associated with specific posts shall be detailed in the relevant job descriptions.

Lists of staff

The EEAS Human Resources Directorate establishes and updates lists of staff members to whom special working hours, teleworking, shift-work or stand-by duty arrangements apply.



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