

USHU Flash - March 2019

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New set of rules for LAs in EU DEL

Article written by:

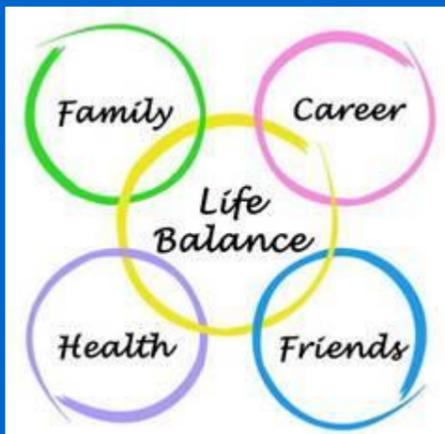


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New set of rules for Local Agents in EU Delegations

NEW DEVELOPMENTS: After almost eight months of silence the Administration - in a note signed by **Commissioner Oettinger** - recently **replied to a request for political concertation on the new legal framework for local agents in delegations**. The request of trade unions was submitted on 29 June 2018, the reply arrived on 11 February 2019. The note explained the final position of the Administration in a process that was opened back in September 2017 with an intensive stream of consultations ("concertation") - 5 administrative consultation sessions within two months - which then gradually slowed down with two rounds of technical consultations in early 2018 and ended with the mentioned long break in the second half of 2018 and early 2019 and final refusal of political consultations.

BACKGROUND:

The whole process was launched with the discussion paper that the Administration submitted to trade unions in March 2017. The aim was to **adopt "an ambitious package to modernize and improve the employment conditions of the 3,200 local agents employed by the EU"** and get **"more contemporary, more comprehensive and clearer rules"**. In the paper, there was also a list of improved ("modernized") rights of local agents to be proposed (better post-employment conditions, faster careers, increased social rights, fairer severance grant, further extension of the complementary medical cover after retirement, improved social security cover) together with a list of "more comprehensive rules" (covering a range of issues from ethics and conflict of interest, to flexitime, rules on notice period to corrective measures to redress administrative mistakes and strengthened appeal procedure, etc.). In the background, one of the key changes was related to the **proposed elimination of the long-standing and now often outdated Specific Conditions of Employment** and introduction of a new set of general rules (Conditions of Employment, plus LA-Medical and Provident Fund rules) combined with local legislation administrative reference document (**National Law Reference guide - NLR**).

Consultations at administrative and technical level focussed in detail on the proposed texts (submitted by the Administration, and along the lines of what was stated as a goal in the discussion paper). What was important from the very beginning: the proposed text stipulated that staff in service will have the option to choose between remaining with the old or signing/accepting new set of rules, and that those in service - both those who sign and who do not - will be entitled to severance grant (the text on the latter was improved / made more explicit in the course of negotiations (art 32)). There were some other things that were improved in comparison with the initial text. "The more favourable between the minimum standards and the local law should apply" is explicitly stated (introductory text). "The applicable salary grid" has been inserted as obligatory part of the contract (art 5). Number of promotions has remained the same (four) but two additional steps are to be given, and not one as before (art 9). Six function groups are explicitly stated though not really in-depth defined (art 9). The AACC will (and not may, as initially envisaged) adopt rules on flexible working time meaning that flexitime becomes an obligation (art 11). The possibility that as disciplinary measure AACC (HoD) may directly dismiss a member of local staff is replaced by "may suspend" (art 25). Also, following the request for political concertation some improvements were made in the event of invalidity ("no ceiling is applied to the severance grant paid when termination of employment is result of a work accident or occupational disease and when justified by the exceptional circumstances of the case" while also medical costs may be reimbursed up to 100%).

A combination of the provisions based on improved general conditions - as initially submitted for consultations by the Administration - and agreed improvements made in the course of the process of consultations have resulted in a set of documents that provide solid general framework. However, a number of decisions are still left to the AACC and the local management. Also the National Law Reference guide - its provisions, details, etc. - remains a mystery.

SHOULD I SIGN THE NEW PACKAGE OR REMAIN WITH THE EXISTING ONE?

Many doubts and questions still remain unanswered... even for those who participated in all consultations...

... Say, you are a young female LA in a country where maternity leave is 2-3 months? Signing the new package may be interesting for you as minimum maternity leave is now set at 20 weeks. Or you are close to retirement and would be interested in extending your affiliation to LA Medical after retirement while paying both employer and employee's contributions? Might be interesting... Or you might be interested in getting additional medical coverage with new therapies included while still in service? Why not?... In all these situations - and many more as there are more provisions that are more favourable than in the past - you might be tempted - and willing - to sign the new rules.

On the other hand, you may have some provisions in the still-in-force SCE of your Delegation that are attractive and you do not want to lose them (remember: once you sign new conditions, SCE will no longer be applicable for you!). For instance, longer annual leave is stipulated in your SCE than what current local legislation or new Conditions provide - and you do not want to lose this... Maybe some other provision in your SCE is good and you would not like to lose it...

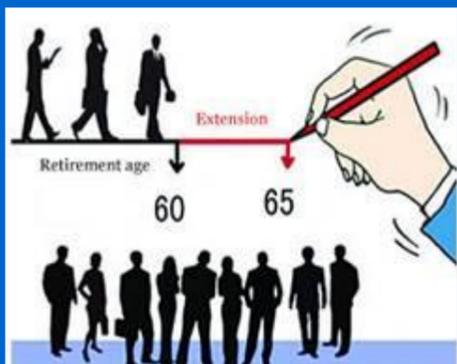
Finally, as mentioned, there is a lot of non-clarity over the powers of the Appointing Authority (AACC) and how he/she will define certain rules In this situation, several things could be advised at this stage:

- wait until the Administration comes with more information on HOW and WHEN the new system will be put in place (and they will need to explain many things - the first opportunity to discuss will be the forthcoming plenary of the CLPHU),
- follow closely the information provided by trade unions and in the LA social networks,
- ask - via Delegation staff representation - your Administration to provide NLR,
- consult your colleagues in the Delegation, read carefully your Delegation's SCE, try to identify your personal pros and cons as each of us has specific situation and different priorities.

USHU will continue to provide regular updates on how situation develops. But, remember - in the end, your decision will be ONLY YOURS!

The EU Pension Scheme in Focus.

When can you retire? When you have completed at least 10 years of active service or reached pensionable age, you are entitled to a pension. This



applies to officials and members of the temporary and contract staff. (<https://myintracomm.ec.europa.eu/staff/en/working-conditions/end-of-service/retirement/age-of-retirement/Pages/index.aspx>)

Early retirement: yes it is possible, if you are at least 58 years old and have completed 10 years of active service. In this case a reduction factor will be applied.

How much will be your monthly pension? You acquire a certain percentage of pension rights for each year of service: 1,8 – 1,9 or 2% (depending on the date of entry into service within the EU institutions). Your total pension rights are calculated on the basis of your final basic salary. The minimum amount of the retirement pension could not be less than 4 % of the minimum subsistence figure (basic salary of AST 1) per year of service. Transfer of pension rights are not taken into account for the minimum required 10 years of service to qualify for a pension. If you carry on working beyond pensionable age, a bonus will be applied. The maximum pension granted is 70% of the latest basic salary.

To calculate your future pension rights, use the pension calculator: <https://myintracomm.ec.europa.eu/staff/EN/working-conditions/end-of-service/retirement/Pages/pension-calculator.aspx>

How to ask for retirement:

AT THE AGE OF 65: automatic procedure (Art. 23 of Annex XIII to the Staff Regulations)

AT THE AGE OF 66: automatic procedure for all colleagues recruited after 01/01/2014 (Art. 52 of the SR)

BEFORE THAT AGE: the request has to be made via an electronic application form: <http://www.cc.cec/SYSPER2/per/fil/viewFiles.do#prqDeclarations>

Eligibility

Minimum 10 years of pension contributions

No minimum period is required when the age of normal retirement has been reached

Amount

Maximum : 70 % of last basic salary

Minimum : 4 % of the minimum subsistence figure (AST 1/1 = 2.872,47 €) per year of actual service (without the transferred pension rights)

2019 - USHU New Beginning & New Partnership

In 2019, **USHU** continues its "**NEW BEGINNING**" and "**NEW PARTNERSHIP**" campaign for Staff in EU Delegations. With the active participation of **USHU** members, we will strengthen **USHU** to represent you better.

We acknowledge that not all staff wish to be engaged at the same levels so we offer you a differentiated approach and allow you to decide how involved you want to become.

USHU requests its existing members to renew their membership by completing the **2019 "NEW PARTNERSHIP" FORM** as by paying the annual fee (the least required by any Union – an annual fee of only 12€, accessible to all categories of staff in Delegations). Consult our website www.us-hu.eu and learn more, join our Facebook page www.facebook.com/groups/USHU.EUDelegations and view our series of short USHU videos.

USHU: ALWAYS WORKING 4 YOU!

"THERE IS A LIMIT WHAT WE CAN ACHIEVE ALONE BUT THERE ARE NO LIMITS TO WHAT WE CAN ACCOMPLISH TOGETHER".



USHU was created in 2008 to ensure that your needs are not simply ignored at HQ but that they are the centre of the agenda in Social Dialogue meetings.



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FPoC for subjects

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 Sunil KUMAR EUD India LA's FWR, CSISLA	 Eyal INBAR EUD Israel LA's Salary review LA's FWR Flexitime Harassment	 Ranjan SHRESTHA EUD Nepal Promotion, Complaint handling, LA working conditions	 Aminata ONGOIBA EUD Mali LA working conditions	 Titus ENDJALA EUD Namibia LA's FWR, LA's Salary Review	 Omar ABU EID EUD Jordan LA working conditions	 Elena LEVCHENKO EUD Kazakhstan USHU Confidential Counselor for LA

