



EUROPEAN CENTRAL BANK
EUROSYSTEM

DECISION OF THE EUROPEAN CENTRAL BANK
of 5 August 2014
amending the European Central Bank Staff Rules and the
European Central Bank Rules for Short-term Employment as regards unpaid leave
(ECB/2014/NP16)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 36.1 thereof,

Having regard to the Rules of Procedure of the European Central Bank¹, and in particular Article 21.1, 21.3 and 21.4 thereof,

Having regard to the Conditions of Employment for Staff of the European Central Bank, and in particular Article 30 thereof,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) The European Central Bank (ECB) as a Union institution seeks to attract and maintain highly competent and committed staff. To this end, it seeks to ensure that the conditions of employment offered to ECB staff are attractive and competitive. These include conditions that facilitate (a) the achievement of an appropriate work-life balance by providing for unpaid leave on personal grounds; and (b) the mobility of staff, including external mobility.
- (2) The application of the existing provisions has shown a need for further enhancement and greater clarity.
- (3) Requests by staff for unpaid leave, and in particular for unpaid leave for external mobility, are increasingly recurrent, while not comprehensively regulated in the Conditions of Employment and the Staff Rules of the ECB.
- (4) The ECB wishes to continue fostering external mobility as a development tool, in particular for those staff members and managers whose internal mobility opportunities are limited on account of their specialised qualifications.

¹ As laid down in Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank (OJ L 80, 18.3.2004, p. 33).

- (5) The ECB considers the granting of unpaid leave on personal grounds as a particular privilege offered by the ECB to its staff. To ensure that the ECB benefits from its facilitation of external mobility, only members of staff that have an employment contract with the ECB for an indefinite period should be eligible to apply for unpaid leave to facilitate external mobility.
- (6) It is deemed useful to allow for a renewed opportunity to take unpaid leave after 7 years of service following a previous period of unpaid leave of up to three years. In this way, the ECB seeks to facilitate the achievement of an appropriate work-life balance and to foster external mobility as a development tool, while at the same time increasing temporary internal job opportunities for staff members.
- (7) Therefore, the European Central Bank Staff Rules and Rules for Short-term Employment should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to the Staff Rules

The European Central Bank Staff Rules are amended as follows:

1. in Article 5.10.2, the last sentence of the first paragraph is deleted;
2. Article 5.10.3 is amended as follows:

the first sentence is replaced by the following:

‘On application via the member of staff’s area head or their representative, the Director General Human Resources, Budget and Organisation or their Deputy shall grant special leave of up to a total of five days per calendar year, in the event of the illness of one or more of the following persons:

- their spouse or recognised partner,
- their child above the age of 18 or the child above the age of 18 of their spouse or recognised partner,
- their (step)parent, (step)brother, (step)sister, grandparent, grandchild,
- their (step)parent-in-law or a (step)parent of the member of staff’s recognised partner.’;

3. the following Article 5.10.3a is inserted:

'5.10.3a Days of unpaid leave in accordance with Article 5.10.2 and 5.10.3 shall affect only the basic salary, salary-based allowances, entitlements and contributions while other allowances, benefits, entitlements and contributions shall remain unaffected. 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 medical benefits and dental plan and the accident insurance; contributions to the medical benefits and dental plan and the accident insurance shall be calculated on the basis of the corresponding basic full-time salary as if the member of staff concerned had served a full month.';

4. Article 5.12 is replaced by the following:

'5.12 Unpaid leave

The provisions of Article 30 of the Conditions of Employment are applied as follows:

5.12.1 Members of staff shall, at their request, be granted unpaid leave for their period of compulsory military or alternative service.

5.12.2 Members of staff may, at their request, be granted unpaid leave on personal grounds, including unpaid leave to support the transition to a career outside the ECB, provided that:

- (a) the ECB's business is not unduly affected;
- (b) such unpaid leave does not conflict with the ECB's legitimate interests, in particular that the activities to be undertaken by the member of staff during such leave do not give rise or may be perceived to give rise to a conflict of interest.

Members of staff may, at their request, be granted unpaid leave to temporarily take up employment with another employer for the purpose of external mobility, provided that, in addition to (a) and (b), they have an employment contract with the ECB for an indefinite period.

5.12.3 Unless otherwise authorised by the Executive Board on compelling grounds and in the interest of the ECB, unpaid leaves in accordance with Article 5.12.2 shall be granted for a minimum of two consecutive weeks up to a maximum total duration of three years.

Members of staff may request an additional period of unpaid leaves for a maximum total duration of three years, if they have not taken any unpaid leave in accordance with Article 5.12.2 in the seven years preceding the date of commencement of the requested additional period of unpaid leave.

Members of staff returning from unpaid leave shall return to the same or an equivalent position. If no such position is immediately available, they may be assigned to a position allocated to a lower salary band for an interim period. Their remuneration

shall correspond to their salary prior to the commencement of the unpaid leave, adjusted in line with salary adjustments.

- 5.12.4 Members of staff shall submit requests for unpaid leave, endorsed by their area head, to the Director General Human Resources, Budget and Organisation or their Deputy at least three months in advance of the requested date of commencement of the unpaid leave. In exceptional circumstances, the Director General Human Resources, Budget and Organisation or their Deputy may also consider requests that were submitted with less notice.

The same procedure and time frames as set out in the first paragraph of 5.12.4 shall apply to: (a) requests to extend the unpaid leave; and (b) requests to return to duty prior to expiry of such unpaid leave, which may be accommodated if this is compatible with the interest of the service.

- 5.12.5 During unpaid leave in accordance with Article 5.12, no other leave, including sick leave and maternity leave, shall accrue or be granted.

- 5.12.6 During unpaid leave, salary, allowances and the membership of the social security provided for in Parts 6 and 7 of, and the Annexes to, the Conditions of Employment, and Parts 6 and 7 of the Staff Rules shall be suspended.

As an exception to the first paragraph and without prejudice to the cover under the medical benefits and dental plan provided in support for a transition to a career outside the ECB laid down in Article 2.3.5, members of staff who have been granted unpaid leave may, not later than two weeks before the leave commences, apply to remain covered for the entire duration of their unpaid leave under the medical benefits and dental plan as provided for in Article 33 of the Conditions of Employment and under the accident insurance for non-work related accidents as provided for in Article 34(b) of the Conditions of Employment.

Provided that during the unpaid leave the member of staff pays the full contribution, including the ECB's contribution, such cover shall be granted, unless

- (a) they have been granted unpaid leave for compulsory military or alternative service; or
- (b) their risk profile has significantly increased as a consequence of the activities performed during the unpaid leave.

Contributions to the medical benefits and dental plan and the accident insurance shall be calculated on the basis of the member of staff's basic full-time salary 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.

Unpaid leave shall not be considered service for the purpose of determining the duration of the unemployment allowance laid down in Article 6.5.1.

- 5.12.7 During unpaid leave, members of staff shall notify the ECB without undue delay of any changes of relevance to their unpaid leave and any other changes which may affect their rights, obligations and entitlements vis-à-vis the ECB.’

Article 2

Amendments to the Rules for Short-term Employment

The European Central Bank Rules for Short-term Employment are amended as follows:

1. in Article 5.9.2,
the last sentence is deleted;
2. Article 5.9.3 is amended as follows:
 - (a) the first sentence is replaced by the following:
‘On application via the member of staff’s area head or their representative, the Director General Human Resources, Budget and Organisation or their Deputy shall grant special leave of up to a total of five days per calendar year, in the event of the illness of one or more of the following persons:
 - their spouse or recognised partner,
 - their child above the age of 18 or the child above the age of 18 of their spouse or recognised partner,
 - their (step)parent, (step)brother, (step)sister, grandparent, grandchild,
 - their (step)parent-in-law or a (step)parent of the member of staff’s recognised partner.’
 - (b) the last sentence is deleted;
3. the following Article 5.9.3a is inserted:
‘5.9.3a Days of unpaid leave in accordance with Article 5.9.2 and 5.9.3 shall affect only the basic salary and salary-based payments while other allowances, benefits, entitlements, contributions shall remain unaffected. Short-term contract employees who have been granted unpaid leave in accordance with Article 5.9.2 and 5.9.3 shall remain covered under the medical benefits and dental plan and the accident insurance; contributions to the medical benefits and dental plan and the accident insurance shall be calculated on the basis of the corresponding basic full-time salary as if they had served a full month.’.

Article 3

Transitional regime

Members of staff who are on unpaid leave prior to the entry into force of this Decision may apply to remain covered, to resume cover or to end their cover under the medical benefits and dental plan and under the accident insurance for non-work related accidents during their unpaid leave.

Members of staff whose request for unpaid leave has been authorised but whose unpaid leave has not commenced prior to the entry into force of this Decision, may apply until the first day of their unpaid leave to remain covered for the entire duration of their unpaid leave under the medical benefits and dental plan and under the accident insurance for non-work related accidents.

Article 4

Entry into force

This Decision shall enter into force on 1 September 2014.

Done at Frankfurt am Main, 5 August 2014.

[Signed]

The President of the ECB

Mario DRAGHI

ECB-PUBLIC