

INTERNAL RULES ON LEAVE ON PERSONAL GROUNDS AND UNPAID LEAVE

THE SECRETARY-GENERAL OF THE EUROPEAN PARLIAMENT,

Having regard to the Staff Regulations of Officials of the European Union (hereinafter ‘Staff Regulations’) and to the Conditions of Employment of Other Servants of the European Union (hereinafter ‘CEOS’), and in particular to Article 40 of the Staff Regulations and Articles 17 and 91 of the CEOS,

Having regard to Article 2 of the Bureau decision of 13 January 2014 on the delegation of the powers of the Appointing Authority and of the Authority Empowered to Conclude Contracts of Employment (AECE),

Having consulted the Legal Service, the Data Protection Officer, the Staff Committee and the Committee on Equal Opportunities and Diversity,

Whereas:

it is appropriate to review current administrative practices concerning leave on personal grounds and unpaid leave, and to formalise those practices, taking particular account of the changes made to the Staff Regulations and to the CEOS,

HAS ADOPTED THESE INTERNAL RULES:

Article 1 Scope

1. These internal rules shall apply to all established officials and members of the temporary and contract staff coming under Article 40 of the Staff Regulations and Articles 17 and 91 of the CEOS respectively.
2. Any established official may, on an exceptional basis and at his or her own request, be granted leave on personal grounds.
3. Any temporary or contract staff member may, on an exceptional basis and at his or her own request, be granted unpaid leave on compelling personal grounds.

Article 2 Definitions

For the purposes of these rules:

- ‘staff member’ means staff in all the categories referred to in Article 1;
- ‘CCP’ means leave on personal grounds;
- ‘CSR’ means unpaid leave;
- ‘leave’ means CCP and CSR;
- ‘Appointing Authority’ means both the Appointing Authority and the Authority Empowered to Conclude Contracts of Employment.

Article 3 Eligibility and extension

1. Staff members must apply in writing to the Appointing Authority, via line management, at least two months prior to the desired start date of the leave, other than in an emergency, stating the reasons, the dates of the start and end of the leave, their home address during the leave and any occupational activity in which they plan to engage.
2. The Appointing Authority shall decide whether to grant the leave after consulting the staff member’s line managers, who must take into account the reasons given, any occupational activity planned, the requested duration and the needs of the service.
3. A staff member wishing to extend a period of leave must apply to do so at least two months before the leave ends. The Appointing Authority may approve the request provided all the conditions laid down in these rules are met.
4. Any leave request submitted by a staff member for the purpose of engaging in an occupational activity, whether gainful or not, which could place the staff member in actual or potential conflict with the legitimate interests of the institution shall be rejected by the Appointing Authority in accordance with the provisions of Article 11 of the Staff Regulations.
5. Where an official applies for CCP to take care of a family member who is seriously ill or disabled, as provided for in Article 40(2)(i) and (iii) of the Staff Regulations, he or she shall be required to forward to the medical service for his or her place of employment, within one week of submitting the request and under sealed cover, a medical certificate specifying the nature of the serious illness or disability.
6. Where an official applies for CCP to follow his or her spouse who is also a European Union official or staff member, as provided for in Article 40(2)(ii) of the Staff Regulations, he or she shall be required to attach to the request a copy of the decision to relocate his or her spouse.

Article 4
Duration of leave

1. The duration of CCP is determined by Article 40(2) of the Staff Regulations and the duration of CSR by Article 17, third subparagraph, of the CEOS. The minimum duration is one month and the maximum duration one year, and it may be extended where appropriate.
2. Other than in exceptional cases, including the serious illness of a family member, election to public office or following parental or family leave, the leave shall begin on the 1st or 16th of the month and end on the 15th or the last day of the month.
3. Where an official requests CCP for a duration in excess of six months, his or her position may be filled by another person. The post of a temporary or contract staff member shall be maintained irrespective of the duration of CSR.
4. Other than in exceptional circumstances, leave may not be cancelled or shortened once the decision to grant it has been taken.

Article 5
Occupational activity while on leave

The exercise of any occupational activity during a period of leave shall be subject to the conditions laid down in Article 12b of the Staff Regulations.

Article 6
**Sickness and accident cover and
contributions to the EU pension scheme**

1. Sickness and accident cover shall be suspended during the leave period. However, it may be continued under the conditions laid down in Article 40 of the Staff Regulations or Article 17 of the CEOS, as applicable.
2. Any request to continue to benefit from sickness and accident cover as provided for in the Staff Regulations must be sent to the department responsible for pensions and social insurance in the directorate-general responsible for personnel by the end of the month following the start of the leave.
3. The staff member may ask to continue to acquire further pension rights under the conditions laid down in Article 40 of the Staff Regulations or Article 17 of the CEOS, as applicable. Any request to continue to pay into the Community pension scheme must be sent to the department responsible for pensions and social insurance in the directorate-general responsible for personnel by the end of the month following the start of the leave.

Article 7
Secondment

1. Officials on CCP may apply for secondment in accordance with Articles 37(b) and 39 of the Staff Regulations or may be offered secondment in the interests of the service in accordance with Articles 37(a) and 38 of the Staff Regulations.

2. An official on CCP who is offered secondment in the interests of the service must be reinstated in his or her parent entity before being seconded. The official's entitlement to advancement to a higher step and eligibility for promotion shall be reactivated from the date on which the secondment takes effect.
3. An official on CCP who has been seconded at his or her own request shall be entitled to advancement to a higher step from the date on which the secondment takes effect. If the CCP has been taken for a period of six months or less, the official's post may not be filled during this period or during a further period of not less than six months, without exceeding 12 months from the start date of the CCP.
4. At the end of the secondment, the official may:
 - apply to be reinstated (see Article 8 below),
 - apply for a new period of CCP, provided the conditions for granting it are met;
 - resign.

Article 8 Reinstatement

1. At the end of a period of CCP requested for a total duration of six months or less, the official concerned shall be reinstated in the post he or she occupied before taking CCP.
2. In the event of a reorganisation while the official is on CCP, entailing the transfer of his or her post to another entity, the official shall join that new entity upon reinstatement.
3. Officials on CCP for a period in excess of six months who wish to terminate their leave must send a request for reinstatement in writing, at least three months prior to the end of the CCP, together with an updated copy of their CV detailing, in particular, the occupational activities exercised during the CCP and any new skills acquired while on leave.
4. The directorate-general responsible for personnel shall take the necessary measures to reinstate the official at the end of his or her CCP, preferably in his or her parent entity in a post corresponding to his or her function group, grade and qualifications.
5. Officials may also, on their own initiative, apply for vacant posts corresponding to their profile. In such cases, their applications shall be examined under the same conditions as those of other applicants. The relevant department in the directorate-general responsible for personnel shall provide them with any technical assistance they need to submit their applications.
6. Where it proves particularly difficult to find a vacant post in which to reinstate an official, the Appointing Authority shall identify the first vacant post which may correspond to the official's profile. The department to which the post in question belongs shall be informed and must then organise an interview with the official. A member of the directorate-general responsible for personnel shall attend the interview as a representative of the Appointing Authority. After the interview, the decision on the official's reinstatement shall be taken by the Appointing Authority. The official shall not be reinstated only if the appointing authority considers, following the interview, that his or her profile is clearly inappropriate for the post.

7. When the unpaid leave of a temporary or contract staff member comes to an end, he or she shall be reinstated in the post occupied before the CSR was taken.
8. The above paragraphs shall also apply to the reinstatement of officials and other staff placed on leave in accordance with Article 15 of the Staff Regulations.

Article 9
Obligations while on leave

1. Staff members on leave shall be required to inform the directorate-general responsible for personnel of any change in their home address while they are on leave.
2. Staff members shall remain subject to the obligations laid down in Articles 12 and 17 of the Staff Regulations while they are on leave.

Article 10
Final provisions

1. These rules shall enter into force on the first day of the month following that in which they are signed.
2. On the date on which these rules enter into force, the staff notice concerning CCP of 21 September 2004 shall cease to apply.

Done at Luxembourg, on 21 October 2014

Klaus WELLE