

INTERNAL RULES ON OVERTIME

(ARTICLE 56 OF AND ANNEX VI TO THE STAFF REGULATIONS)

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 Articles 55 and 56 of and Annex VI to the Staff Regulations and Articles 16 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 regard to Article 1e(2) of the Staff Regulations,

having consulted the Legal Service, the Data Protection Officer, the Staff Committee, the Committee on Equal Opportunities and Diversity and the Advisory Committee on Prevention and Protection at Work,

HAS ADOPTED THESE INTERNAL RULES:

Article 1

Meaning and scope of overtime

1. Overtime means time worked over and above the normal daily working hours.
2. Recourse to overtime shall be permitted only in cases of urgency or exceptional pressure of work. Prior authorisation must be obtained and an overtime claim drawn up for each period of overtime worked.

Article 2

Staff covered by these rules

1. Under Article 56 of the Staff Regulations only officials in grades AST1 to AST4 and SC1 to SC6 are entitled to compensatory leave or to remuneration, either on an hour-for-hour basis or in the form of a fixed allowance, in respect of overtime worked.
2. Notwithstanding the above, officials classified as administrative assistants in transition or support agents in transition under Article 31 of Annex XIII to the Staff Regulations shall continue to be entitled either to compensatory leave or to remuneration for the overtime worked or in the form of a fixed allowance.

3. These internal rules shall apply by analogy to temporary staff members meeting the requirements of paragraphs 1 and 2 and to contract staff members in function groups I and II.

Article 3

Organisation of work

1. Directorates-general and autonomous units shall organise their work in such a way as to minimise the amount of overtime worked, both in their own departments and in Parliament's other administrative units.
2. Where overtime working is unavoidable, it shall give rise to compensatory leave in the first instance. Directorates-general and autonomous units shall do their utmost to keep the overall number of hours' overtime worked down to a level enabling at least 60% of those hours to be covered by compensatory leave arrangements.
3. Under Article 56(1) of the Staff Regulations, officials and other staff may not be asked to work more than 150 hours' overtime in any six-month period.
4. Directorates-general and autonomous units shall organise their work in such a way as to ensure that officials and other staff have at least 11 consecutive hours of rest in each 24-hour period.

Article 4

Overtime and special work schedules

1. Under Article 55 of the Staff Regulations, the institution may introduce special work schedules to take account of specific service requirements.
2. Special work schedules shall be laid down by the Secretary-General on a proposal from the director-general concerned and following consultation of the Director of Administrative Management and the Staff Committee.
3. Unless otherwise provided, staff on special work schedules may claim overtime only if the number of hours they work in a week is higher than the number of hours in the normal working week.
4. Each special work schedule laid down shall include a minimum daily rest period for officials and other staff required to work after 23.00.

Article 5

Overtime and missions

1. Unless otherwise provided, overtime worked on mission shall entitle the staff members concerned to compensatory leave or to remuneration.

2. The director-general concerned shall give authorisation for compensatory leave – or, if compensatory leave cannot be taken, remuneration – to be granted in respect of such overtime.
3. In respect of overtime worked on Saturdays, Sundays, public holidays and office closing days, the organiser of the mission may ask the appointing authority concerned to authorise a fixed period of compensatory leave, the length of which he shall specify.
4. When an official is travelling on mission, the time taken to reach the place of assignment shall not be treated as overtime.

Article 6

Specific provisions

1. Under Article 3 of Annex IVa to the Staff Regulations, staff working part-time may not work overtime.
2. In response to a duly substantiated request, the director-general concerned may decide that an official or other staff member may not be required to work overtime, provided that that decision does not disrupt the work of the relevant department.
3. An official or other staff member with one or more dependent children under the age of 12 may not be required to work overtime after a given time of day, to be set by mutual agreement.
4. Officials and other staff members who submit a relevant medical certificate that is accepted by the medical officer shall also be entitled to special overtime arrangements of this kind.
5. When a request for special overtime arrangements is submitted, the staff member's immediate superiors shall deliver an opinion on it within 15 days. The director-general concerned shall decide what action is to be taken on the request.
6. That decision shall cover a period of no more than 12 months. During that period, it shall remain valid for as long as the circumstances on the basis of which the special overtime arrangements were authorised continue to apply. The decision may be renewed at the staff member's request.

Article 7

Compensatory leave and remuneration

1. As a general rule, compensatory leave shall be granted in respect of overtime worked. However, remuneration shall be payable in respect of overtime worked for which it has not been possible, owing to the requirements of the service, to allow compensatory leave to be taken in the two months following that in which the overtime was worked. In such cases, payment shall be

authorised on the basis of supporting documents proving that compensatory leave could not be taken.

2. To qualify for compensatory leave or remuneration for overtime, the additional time worked must have been more than 30 minutes.
3. Staff members shall be entitled to one and a half hours off as compensatory leave for each hour of overtime worked between 7.00 and 22.00 on a normal working day, a Saturday or an office closing day (type-1 overtime).
4. They shall be entitled to two hours off as compensatory leave for each hour of overtime worked between 22.00 and 7.00 on a normal working day, a Saturday, a Sunday, a public holiday or an office closing day (type-2 overtime).
5. Each hours of overtime in respect of which it has not been possible to take compensatory leave shall be remunerated at the rate of 0.56% of the staff member's basic monthly salary. The number of hours to be paid shall be calculated on the basis of the arrangements for compensatory leave set out above.

Article 8

Authorisation for overtime working

1. When a staff member is required to work outside normal working hours or outside a special work schedule, his or her immediate superior shall apply to the head of unit for prior authorisation.
2. The application must state why the overtime is necessary (urgency or exceptional pressure of work).

Article 9

Claiming, recording and monitoring overtime

1. Each directorate-general or autonomous unit shall be responsible for recording and managing overtime worked by its staff. Overtime claims showing the hours worked shall be submitted at the earliest opportunity by the staff member concerned and approved by his or her head of unit.
2. Wherever possible, the head of unit shall grant compensatory leave in respect of the overtime worked as soon as the requirements of the service allow.
3. During periods when the work schedule permits this, compensatory leave shall be granted with due regard for the requirements of the service and the staff member's preferences.
4. Each directorate-general shall forward to the Individual Entitlements and Payroll Unit, by the tenth of the third month following that in which the

overtime was worked, a monthly summary form setting out the total number of hours of type-1 and type-2 overtime worked by the DG's staff during the month in question, broken down by department.

5. On the individual overtime sheet for each staff member who has worked overtime, the directorate-general shall enter the number of hours' compensatory leave taken and, where appropriate, the number of hours to be paid. In the latter case, the reasons why compensatory leave could not be taken must be given.
6. Requests for payment in respect of overtime that could not be taken as compensatory leave shall be signed by the director-general or the head of the autonomous unit. If the rules are found not to have been followed, the Director of Administrative Management may reject the payment request, either in part or in full.
7. Payment in respect of overtime that could not be taken as compensatory leave shall be made by the Individual Entitlements and Payroll Unit on the basis of the number of hours authorised and in accordance with Article 1 of Annex VI to the Staff Regulations.

Article 10 **Fixed allowance for overtime**

1. In an extremely limited number of cases and on the basis of a decision of the Secretary-General, officials and other staff within the meaning of Article 2 of these internal rules who are required to work a given amount of overtime every month may be remunerated for that overtime in the form of a fixed allowance. The Secretary-General shall draw up a list of jobs in respect of which a fixed allowance may be paid on account of the special nature of the duties involved, which precludes the application of the standard overtime arrangements.
2. The basic formula for calculating the monthly fixed allowance shall be established by the Secretary-General on a proposal from the Director-General of Personnel. The fixed allowance shall be adjusted each year by the same amount as staff pay.
3. The fixed allowance shall be granted by decision of the appointing authority on a proposal from the staff member's immediate superior. That decision shall be notified to the staff member.
4. Payment of the allowance shall be stopped as from the date on which the staff member ceases to meet the requirements laid down in paragraph 1.
5. The fixed allowance shall be paid during periods of leave and throughout any period during which the official or other staff member is unable, for reasons of *force majeure*, to perform the duties referred to in paragraph 1 above. However, if the official or other staff member is absent as a result of sickness

or an accident, payment of the allowance shall be suspended from the 31st day of absence until such time as he or she resumes the same duties.

Article 11
Entry into force

These internal rules shall apply from 1 January 2014. They replace the internal rules concerning the fixed allowance for overtime of 14 March 2005 and the internal rules on compensation in respect of overtime of 18 May 2004.

Luxembourg, 05/09/2014

Klaus WELLE
Secretary-General