

EB DECISION



DECISION No:	2009/4
SUBJECT:	Decision on general implementing provisions concerning the criteria applicable to classification in grade and step on appointment or engagement
PERSON RESPONSIBLE:	Director
STATUS:	FINAL VERSION

THE EXECUTIVE BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS,

Having regard to the Council Regulation (EC) n° 168/2007 of 15 February 2007 establishing the European Union Agency for Fundamental Rights (hereafter “the Agency”) and in particular Articles 15 and 24 thereof,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, as laid down in Council Regulation (EEC, EURATOM, ECSC) No 259/68 (1), and in particular, Articles 5, 29, 30, 31 and 32 of the Staff Regulations and Articles 10 and 15 of the Conditions of Employment,

After consultation of the Staff Committee and the agreement of the European Commission pursuant to Article 110 of the Staff Regulations,

Whereas

- (1) The Agency’s recruitment policy constitutes an essential part of its staff policy,
- (2) Pursuant to the second paragraph of Article 32 of the Staff Regulations, the appointing authority may allow candidates additional seniority of step in grade in order to take account of their specific professional experience,

HAS ADOPTED THE FOLLOWING PROVISIONS:

Article 1

These general implementing provisions shall apply when any temporary agent is engaged to the Agency.

Article 2

Taking account of professional experience

1. Any duly certified professional activity connected with one of the Agency's areas of activity and according to the Agency's need shall be taken into account.
2. Where additional periods of training and study are accompanied by periods of professional activity, only the latter shall be considered as professional experience
3. Compulsory military service or equivalent civilian service shall be taken into consideration.
4. For grading purposes, professional activities pursued part-time shall be calculated pro-rata, on the basis of the certified percentage of full-time hours worked.

In the case of freelance translators, the length of professional experience shall be calculated, within the limits of the period spent on such activities, on the basis of the number of pages translated.

In the case of freelance interpreters, the length of professional experience shall be based on both the number of days worked as an interpreter and the time spent on the necessary preparations.

5. A given period may be counted only once.
6. According to the rules on access to function groups (Article 5(3) of the Staff Regulations), professional experience shall be counted as follows:

AST:

from the time when a post-secondary education diploma was awarded: where the official duration of the course is less than three years, the difference shall be deducted from the professional experience;

where no such diploma has been awarded and a secondary-education certificate and three years' professional experience have been accepted as an alternative, those three years shall be deducted from the experience acquired;

where professional training of an equivalent level is accepted as an alternative, from the time when the diploma or certificate relating to this training was awarded;

where equivalent professional experience is accepted as an alternative, the duration of the professional experience within the meaning of Article 2 shall be reduced by the number of years of equivalent experience specified in the notice of competition or selection procedure; where no such number is specified, three years shall be deducted from the professional experience.

AD5 and AD6: from the time when, on completion of a minimum of three years of study, the university degree giving access to these grades was awarded;

where no such degree has been awarded and "professional training of an equivalent level" has been accepted as an alternative in the competition or selection procedure, from the date when the diploma or certificate relating to this training was awarded.

AD7 to AD 16: from the time when a university degree was awarded on completion of a minimum of four years of study;

where a university degree has been awarded on completion of less than four years of study, the difference between the official duration of the course and four years shall be deducted from the professional experience;

where no such degree has been awarded and "professional training of an equivalent level" has been accepted as an alternative in the competition or selection procedure, from the date when the diploma or certificate relating to this training was awarded.

Article 3

Candidates shall be responsible for providing documents evidencing:

- the official duration of their studies/training;
- the level of a degree or diploma/the equivalent level of a training period;
- the length of professional experience;
- professional activity during periods of training and further study.

Article 4 - Additional seniority of step in grade

For the purposes of determining professional experience, the Appointing Authority shall allow 24 months' additional seniority of step in grade for professional experience equal to or more than the number of years indicated below:

Grade of engagement	Number of years of professional experience for additional seniority
AD 13/16	21 years
AD 11/12	18 years

AD 9/10	15 years
AD 8	12 years
AD 7	9 years
AD 6	6 years
AD 5	3 years
AST 4	12 years
AST 3	9 years
AST 2	6 years
AST 1	3 years

Where a temporary agent is hired at level AST 5, 6, 7 or 8, additional seniority of 24 months shall be granted in respect of professional experience of 15 years or more.

The length of the professional experience to be counted shall be established at the time when the job offer is made. Where the period between this date and that on which the appointment is actually taken up has an impact on the classification in step, the Appointing Authority shall adopt a new decision in this regard.

Article 5 - Temporary staff members appointed as permanent officials

1. Temporary staff who are appointed as permanent officials to posts in the same grade immediately after their period of temporary employment shall maintain their seniority in step.
2. Any temporary staff who are appointed as permanent officials in a lower grade immediately after their period of temporary employment shall be classified according to one of the following options, whichever is most favourable:
 - as new recruits;
 - in the same step and with the same seniority in step in the grade acquired as a member of the temporary staff, or
 - with the same seniority in step, but in the step which they would have occupied had they been hired as temporary staff in the grade to which they are appointed as permanent officials.
3. Any temporary staff who are appointed as permanent officials in a higher grade immediately after their period of temporary employment shall be classified according to one of the following options, whichever is more favourable:
 - in accordance with Article 46 of the Staff Regulations; or
 - as new recruitments.

Article 6

Any permanent officials who are appointed at a higher grade as a result of an open competition shall be classified according to one of the following options, whichever is more favourable:

- on the basis of Article 46 of the Staff Regulations;
- as a new recruitment.

The same shall apply to any temporary staff who, immediately after a period of temporary employment, are hired in a higher grade as temporary staff following a selection procedure.

Article 7

These general implementing provisions shall enter into force on //2009.

They repeal and replace the Decision 2005/15 on the grading criteria for temporary agents of the EUMC.

Done at Vienna, on 18/11/2009



Anastasia Crickley
Chairperson of the Executive Board

Footnotes:

⁽¹⁾ OJ L 56, 4.3.1968. Regulation as last amended by Regulation (EC, Euratom) No 723/2004 (OJ L 124, 27.4.2004, p. 1).