

# HIGH COUNCIL DECISION N. 5/2021

of 23 June 2021

## laying down general provisions on standby duty outside normal working hours

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### THE HIGH COUNCIL,

Having regard to the Convention setting up a European University Institute (EUI) and in particular Article 6,

Having regard to the Staff Regulations of 5 December 2014 (no. 6/2014), and in particular Article 55(3) and 56b, of the Staff Regulations applicable to permanent staff members of the European University Institute and Article 16 and 91 of the Conditions of employment of other servants of the European University Institute,

Having regard to the President's Decision no 46/14 of 15.12.2014 laying down the normal hours of work, and its updated annex of 19.04.2018 on working hours – flexitime and time management system, and any further amendments to be applied in the future,

After consulting the Joint Committee exercising exceptionally the functions of the Staff Regulations Committee,

Whereas,

- (1) the High Council determines the entitlement to allowances, as well as the conditions for and rates of these allowances,
- (2) standby duty is essential for the business continuity and the proper functioning of the EUI sites and may be linked, although not exclusively, to:
  - building maintenance (if incidents can lead to major damages);
  - health, safety issues and security system management (related to the protection of the staff, researchers, citizens and the environment);
  - the monitoring of the ICT network services to avoid network outages,
- (3) standby duty goes beyond the general principle of availability, which is a general requirement for staff members with managerial functions,
- (4) the measure of the special allowance for standby duty targets the staff members with operational functions reporting to line managers and is limited to

staff members of grade AD/AST7, FGIII or below. Staff members of higher grades may also be requested to perform the standby duties, without obtaining the allowance,

- (5) a limited number of qualified personnel can intervene in the case of an emergency situation, when urgent remedy and troubleshooting is needed.

## **HAS DECIDED AS FOLLOWS:**

### *Article 1*

Staff members with responsibilities in areas essential for the business continuity of the Institute shall be entitled to an allowance when they are regularly required to carry out standby duty, in accordance with Articles 55(3) and 56b of the Staff Regulations applicable to permanent staff members, and Article 16 of the Conditions of employment of other servants.

### *Article 2*

Standby duty outside office hours can be requested for several reasons, such as:

- Legal obligations of the national or international authorities;
- Service requirements;
- Technical requirements.

The work that is performed during standby duty must be limited to the necessary tasks to protect the health and safety of the EUI community, the environment, as well as the assets (buildings, installations, machinery, equipment, etc.) of the EUI.

### *Article 3*

Staff members on standby duty shall be accessible by a means of communication designated by their supervisors. Such communication device is to be provided by EUI. The staff members on standby duty shall remain available at home or within commuting distance to the Institute's premises of maximum one hour, unless instructed otherwise.

### *Article 4*

The start and end times for a weekly standby duty are:

- from Monday to Friday 19h00 – 08h00 (each evening and night)
- from Saturday 08h00 to Monday 08h00 (throughout the weekend, (the official closure days of the EUI are considered as weekend))

### *Article 5*

The hours during which an employee on standby duty can be called are not considered working hours<sup>1</sup>.

Activities, which require physical presence or remote working for more than half an hour, are considered working time.

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<sup>1</sup> See EUI Guide to Working hours – Flexitime and Time Management system, last updated on 19.04.2018.

*Article 6*

One person per service may be on standby duty at the same time to cover the necessary areas of responsibilities.

*Article 7*

The President shall lay down detailed implementing rules for the application of this Decision. Such rules may indicate for which areas and periods a standby duty is required and how the selection of the staff members is to take place.

*Article 8*

The standby duty schedules shall be arranged so that, in principle, each person has only one week of duty per month.

*Article 9*

This allowance shall be paid out with the monthly salary for the period in which the staff member has ensured the standby duty.

The allowance shall be calculated as per the Council Decision no 495/77 of 8 March 1977 laying out the conditions for standby allowances of the EU Institutions and according to the weekly hours of standby duty as outlined in article 4 above.

The allowance shall be adjusted once a year to adjust to the basic salary of a permanent agent in grade 1, step 1 of that year.

*Article 10*

This Decision shall enter into force on the day of its adoption.

Done in Florence, 23 June 2021

For the High Council

*The President*

(original signed)

Tanya SAMMUT-BONNICI