



## FUSION FOR ENERGY

The European Joint Undertaking for ITER and the Development of Fusion Energy

THE GOVERNING BOARD

### DECISION OF THE GOVERNING BOARD OF THE EUROPEAN JOINT UNDERTAKING FOR ITER AND THE DEVELOPMENT OF FUSION ENERGY ON ARTICLE 55a AND ANNEX IVa OF THE STAFF REGULATIONS CONCERNING PART-TIME WORK

THE GOVERNING BOARD,

HAVING REGARD to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants ('CEOS') of the European Union, laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68<sup>1</sup>, and in particular Article 55a of the Staff Regulations and Annex IVa thereto, as well as Articles 16 and 91 of the CEOS,

HAVING REGARD to the Council Decision (EURATOM) No 198/2007 of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy (hereinafter 'Fusion for Energy') and conferring advantages upon it<sup>2</sup>, and in particular Article 10 of the Annex thereof,

AFTER CONSULTATION of the Staff Committee and IN AGREEMENT with the European Commission pursuant to Article 110 of the Staff Regulations,

WHEREAS the Appointing Authority may lay down detailed rules for the application of part-time work provisions,

HAS DECIDED:

#### *Article 1 - General*

Any official may seek authorization to work part-time under the conditions laid down in Article 55(a) and in Annex IVa of the Staff Regulations.

#### *Article 2 - Standard part-time work*

1. Authorization for standard part-time work may be granted by the Appointing Authority for a period of up to three years. A percentage of 50%, 60%, 66.67%<sup>3</sup>, 70%, 75%, 80% or 90% of the normal working week shall apply, notwithstanding any applicable flexitime provisions. Standard part-time work shall therefore be applied on a weekly basis.

2. A daily work schedule must be fixed in advance, the number of hours of which may not exceed 8h30. Where an official works consecutively for 5 hours, a minimum half-hour break has to be included in the daily work schedule.

#### *Article 3 - Special part-time work (time credits)*

1. Part-time may also be authorized in the form of 'time credits'. In that case, the official will be paid as if he or she were working half-time for a period of one or two months and will be accordingly entitled to take 10 ½ full days or 21 half-days of leave for each of the months of half-time remuneration.

2. The number of days acquired in the form of time credit may not exceed half of the working days of a given month.

<sup>1</sup> OJ L 56 of 4.3.1968, p.1.

<sup>2</sup> OJ L 90, 30.3.2007, p.58.

<sup>3</sup> A 25-hour working week (five working days of five-hour each)

3. The number of days acquired in the form of time credit in a year may not exceed the equivalent of 42 days.

*Article 4 - Procedure*

1. Officials wishing to work part-time shall apply for authorization in writing to the Appointing Authority through his/her superior. They must submit their application at least 2 months before planning to start working part-time.

2. The application for part-time work shall specify the reason for the request, the type of part-time work requested, the percentage referred to in Article 2.1 above (if applicable), the duration and the number of hours to be worked per day.

3. The superior shall give an opinion on the application before transmitting it to the Appointing Authority.

4. For standard part-time work, a fixed uniform daily reduction of working hours shall be made. If the official makes a reasoned request to this effect, the Appointing Authority may authorize alternative weekly working hours, provided that this is compatible with the interest of the service. The working week shall not be less than three days and the working hours of any one day shall not be less than three hours.

5. By way of exception, and solely in order to ensure the smooth running of the service and the performance of specific tasks, the Appointing Authority may, at the request of the service only and in agreement with the official concerned, authorize a work schedule covering two consecutive weeks, with absence alternating with presence in the office on a pro rata basis according to the part-time formula chosen. However, the period of uninterrupted absence from the office shall not exceed five consecutive working days.

6. For special part-time work (time credits) the application shall specify the exact dates of the days or half days acquired.

7. The authorization granted by the Appointing Authority shall determine the type of part-time work, its beginning, its duration and the daily work schedule and in the case of special part-time work, the dates of the days or half-days acquired. The working hours per day or the different weekly working hours shall apply for the whole period for which authorization is granted. In the case of special part-time work, the dates of the days or half-days acquired may only be changed in advance and with the explicit agreement of the official's superior.

The Appointing Authority shall transmit its decision to the official and inform immediately the official's superior and the Administration Department (Leave Manager).

8. Authorization to work part-time may not be refused or postponed where the request relates to the need to care for:

- a child under nine years of age or
- a child aged between nine and twelve years of age if the reduction of working time sought is no more than 20 % of normal working time or
- a seriously ill or disabled spouse, relative in the ascending line, relative in the descending line, brother or sister.

Where a request to work part-time is made in order to take part in further training or after the official has reached the age of 55, any refusal or postponement decision of the Appointing Authority shall be based on exceptional circumstances and overriding service-related reasons which shall be clearly specified.

Any refusal or postponement decision of the Appointing Authority shall be transmitted to the official, his/her superior(s), and to the Joint Committee on Part-time Work.

9. The Joint Committee on Part-time Work shall examine each refusal or postponement decision to grant authorization to work part-time referred to it by the person concerned. It may request the Appointing Authority to re-examine the case.

10. Part-time work should be authorized only under exceptional circumstances during an official's probationary period under Article 34 of the Staff Regulations.

*Article 5 - Election or appointment to public office*

An official elected or appointed to public office and authorized by the Appointing Authority to discharge his duties on a part-time basis as provided for in Article 15 of the Staff Regulations shall undertake standard part-time work. The Appointing Authority shall determine the percentage of standard weekly hours to be worked. The duration of the authorization shall correspond to the official's term of office.

*Article 6 - Parental leave and family leave*

An official on parental leave or on family leave who is taking such leave on a half-time basis shall undertake standard part-time work, the weekly working hours being 50 % of the normal working week.

*Article 7 - Joint Committee on Part-time Work*

The Joint Committee on part-time work shall consist of three staff members appointed by the Director (one of whom shall preside the Committee), and of two staff members appointed by the Staff Committee.

*Article 8 - Cancellation of part-time work*

1. An official wishing to stop work part-time may request withdrawal of the authorisation as set out in the first paragraph of Article 2 of Annex IVa of the Staff Regulations. The request shall be submitted to the Appointing Authority in writing, through the official superior. An official may request withdrawal of the authorization with retroactive effect for reasons of illness. Such a request may be granted by the Appointing Authority in exceptional cases, taking into account the probable duration of the illness, the duration of the part-time work and the fact that the illness effectively prevents the official from undertaking the commitments for which he had requested part-time work. In such cases, the authorization for standard part-time work may be withdrawn with effect from the first day of illness as attested by a medical certificate. The original medical certificate shall be sent to the Medical Service as soon as possible after the first day on which the person was unfit for work and no later than the fifth calendar day of absence, as evidenced by the postmark. However, the date of withdrawal may not be before the first day of the month in which the request for withdrawal was addressed to the Appointing Authority.

2. In the case of special part-time work, notwithstanding the possibility of requesting the withdrawal of the authorization to work part-time provided for in the first paragraph of Article 2 of Annex IVa to the Staff Regulations, officials may request withdrawal of the authorization with retroactive effect due to illness. The Appointing Authority may grant such a request if at least five of the total number of days acquired are covered by an uninterrupted period of sick leave. In such cases, the authorization for part-time work may be withdrawn with effect from the first day of illness as attested by a medical certificate. The original medical certificate shall be sent to the Medical Service as soon as possible after the first day on which the person was unfit for work and no later than the fifth calendar day of absence, as evidenced by the postmark. However, the date of withdrawal may not be before the first day of the month in which the request for withdrawal was addressed to the Appointing Authority.

3. In cases of force majeure, where officials are unable to request the withdrawal of the authorisation to work part-time themselves, their consent shall be assumed and the withdrawal made on their behalf by the leave manager, acting on a special ad hoc decision by the Appointing Authority.

4. If the request for withdrawal is made on the grounds of maternity leave or adoption leave, it may be granted retroactively for the full duration of that leave, if the request was made before the end of the leave.

*Article 9 – Leave entitlements*

Annual leave entitlements for an official/other servant authorized to work part-time shall be governed by the Commission Decision introducing provisions on leave (in section III.a Part-time working).

*Article 10 – Entry into force*

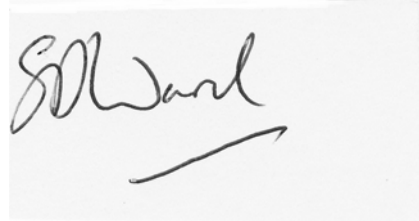
This decision shall enter into force on the first day of the month following the day of its adoption by the Governing Board.

*Article 11 – Final provisions*

This decision applies by analogy to temporary and contract agents.

Done at Barcelona, 11 December 2012

For the Governing Board

A handwritten signature in black ink, appearing to read "Stuart Ward", with a long horizontal flourish underneath.

**Stuart Ward**  
Chair of the Governing Board

For the Secretariat

**Raymond Monk**  
Secretary of the Governing Board