



EUROPEAN CENTRAL BANK

EUROSYSTEM

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ECB-RESTRICTED

DECISION OF THE EUROPEAN CENTRAL BANK

of 9 December 2015

**amending the European Central Bank Staff Rules and Rules for Short-term Employment
as regards certain benefits for pregnant members of staff and other issues**

(ECB/2015/NP33)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Articles 36.1 and 11.6 thereof,

Having regard to the Rules of Procedure of the European Central Bank¹, and in particular Articles 21.1, 21.3 and 21.4 thereof,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) Article 36.1 of the Statute of the European System of Central Banks and of the European Central Bank empowers the ECB to adopt the conditions of employment.
- (2) It is desirable to specify that, for the purposes of Articles 3.6.3(c) and 3.6.4(b) of the European Central Bank Staff Rules (hereinafter the 'Staff Rules'), any serious illness or disability of dependent children must have been recognised by the ECB Medical Adviser while they are still considered dependant.
- (3) In order to facilitate the search for a job following the expiration of contracts of members of staff, it is desirable to amend the Staff Rules to enable members of staff on fixed-term contracts to claim up to five days of special leave for this purpose.
- (4) Short-term contract employees who are pregnant are in an especially vulnerable position. Accordingly, where an individual's contract expires after maternity leave has started but before its completion, the individual concerned should be paid an amount equal to the maternity benefits she would have been entitled to receive had her short-term contract been extended for the entire duration of maternity leave, as well as normal cover under the ECB's medical benefits and dental plan for the duration of that period, provided she continues paying the appropriate contribution.

¹ As laid down in Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank (OJ L 80, 18.3.2004, p. 33).

- (5) Where a short-term contract employee is not entitled to the benefits mentioned in Recital 3, but expects to give birth after her contract has terminated, she should be granted the opportunity of notifying Directorate General Human Resources, Budget and Organisation of her pregnancy before her contract expires in order to benefit from a limited extension of cover under the ECB's medical benefits and dental plan provided that she continues paying the appropriate contribution.
- (6) Where the employment contract of a member of staff on a fixed-term contract expires after maternity leave has started but before its completion, that member of staff should be entitled to receive, in lieu of an unemployment allowance, a sum equal to the maternity benefit she would have been entitled to had her contract been extended for the entire period of maternity leave as laid down in the Staff Rules.
- (7) The Staff Rules and the Rules for Short-term Employment should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to the Staff Rules

The Staff Rules are amended as follows:

1. Article 3.6.3(c) is deleted;
2. in Article 3.6.4, the first paragraph is replaced by the following:

“The following conditions shall apply with regard to a child who suffers from a serious illness or disability which is recognised by the ECB's Medical Adviser during either the period mentioned in point (a) or in (b) of Article 3.6.3:

 - (a) in the case of a child under 26 years of age, the child allowance shall be doubled;
 - (b) in the case of a child over 26 years of age, when expenditure linked to the ascertained disability, less any reimbursement, amounts to more than 20 % of the taxable income of the member of staff, the child allowance shall be doubled. Costs considered to be related to the disability may be direct costs, such as special schooling fees, special medical treatment not covered by a medical scheme, special equipment, transport or housing facilities, or indirect costs, such as a parent needing to resign from a paid job in order to take care of the child. A lower threshold may be fixed on a case by case basis when justified by personal and/or family circumstances;
 - (c) when the conditions mentioned in point (b) are not satisfied, in the case of a child over 26 years of age the normal child allowance may be granted for a fixed term on the basis of a proposal by the ECB's Medical Adviser.

The child allowance herein provided for shall be payable on application. It shall be granted on the basis of a proposal by the ECB's Medical Adviser and it shall cease when the Medical Adviser confirms that the serious illness or disability no longer exists.

3. in Article 5.9.1, the following paragraph is added:
 'Where the employment contract expires after maternity leave has started but before its completion, the ECB shall pay the former member of staff an amount equivalent to that referred to in Article 5.9.4 for the entire period which would have been covered had the employment contract been extended for the entire duration of maternity leave. Throughout this period there is no eligibility for the allowances referred to in Article 36(a)(i) and (ii) of the Conditions of Employment, but there shall be eligibility for the benefits referred to in Article 36(a)(iii), (iv) and (v) of the Conditions of Employment. If the former member of staff is in receipt of allowances of a similar nature from other sources, such allowances shall be deducted from the amount payable under this provision. Any unemployment benefits to which the former member of staff is entitled shall be payable following the expiration of the period referred to in this provision.';
4. in Article 5.10.1, the following paragraph is added:
 '(e) termination of contract, excluding resignation or a refusal by the Member of Staff to have their contract extended: to facilitate the search for a job, up to 5 days shall be granted.';
5. the last paragraph of Article 5.10.1 is replaced by the following:
 'Special leave under paragraphs (a) (b) (c) and (d) shall be granted for the day of the event and/or the days immediately before or following the event that gives rise to the special leave. In the event of the birth or adoption of one or more children, special leave under paragraph (c) shall be granted for the days falling within the period of maternity or adoptive leave, as defined in Article 28(i) and (ii) of the Conditions of Employment, or, alternatively, for the days immediately before or following those periods.
 Special leave under paragraph (e) shall be granted within the three months preceding the end of the contract.';
6. the first sentence of Article 5.10.6 is replaced by the following:
 'In addition to the days of special leave granted under Article 5.10.1(a), (b) and (c), and Article 5.10.4, up to two days per calendar year shall be granted to the member of staff for travelling to and from an event covered by those articles, as follows:';
7. Article 6.5.10 of the Staff Rules is deleted.

Article 2

Amendments to the Rules for Short-term Employment

The Rules for Short-term Employment are amended as follows:

1. the following new Article 5.8.5 is inserted:
 5.8.5 Where the employment contract expires after maternity leave has started but before its completion, the ECB shall pay the former short-term contract employee an amount equivalent to that specified in Article 5.8.4 for the entire period which would have been covered had the employment contract been extended for the entire duration of maternity

leave. If the former short-term contract employee is in receipt of allowances of a similar nature from other sources, such allowances shall be deducted from the amount payable under this provision.'

2. the following new Article 6.1.3 is inserted:

'6.1.3 (a) When the amount referred to in Article 5.8.5 is payable, a former short-term contract employee shall be entitled to cover under the ECB's medical benefits and dental plan under the same conditions as short-term contract employees for the entire period which would have been covered had the contract been extended for the entire duration of maternity leave.

(b) Where point (a) does not apply, a short-term contract employee who becomes pregnant may apply to the Directorate General Human Resources, Budget and Organisation before the date on which her contract expires to have cover under the ECB's medical benefits and dental plan extended beyond the expiry of her contract provided she continues to pay the short-term contract employee's contribution referred to in Article 29 of the Conditions of Short-Term Employment. In such cases, the period of cover shall be extended by up to 12 weeks after the date of confinement.

Article 3

Entry into force

This Decision shall enter into force on 1 January 2016.

Done at Frankfurt am Main, 9 December 2015.

[Signed]

The President of the ECB

Mario DRAGHI