

PROCEDURAL ACT OF THE ENERGY COMMUNITY SECRETARIAT

2019/04/ECS-EnC on the adoption of Internal Management Rules of the Energy Community Secretariat on Personnel Administration

The Energy Community Secretariat,

Having regard to the Staff Regulations of the Energy Community as adopted by the Ministerial Council in Belgrade on 18 December 2007 and in particular to the attached Travel Rules,

Whereas the Staff Regulations of the Energy Community and its attachment call for certain administrative procedures for the management of personnel related data,

Whereas the optimization of the administrative procedures and workflows related to the implementation of those Staff Regulations requires more detailed rules,

Whereas the exigencies of the service and the interest of the Energy Community shall be duly taken into account at all times,

Having regard to the experience made on the implementation of these Rules,

Having regard to the Procedural Act on the Secretariat's Organizational Structure as adopted by the Director on 25 March 2019,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1

The Director of the Energy Community Secretariat adopts the Internal Management Rules on Personnel Administration as attached.

Article 2

This Procedural Act enters into force on the day of its adoption and replaces all earlier versions.

For the Energy Community

Janez Kopač
Director

A handwritten signature in blue ink, appearing to read "Janez Kopač".

Done in Vienna on 04 April 2019

Management Rules of the Energy Community Secretariat on Personnel Administration

SECTION I: SCOPE AND LEGAL BACKGROUND

These Management Rules of the Energy Community Secretariat cover the administrative procedures on the management and administration of human resources within the Secretariat in the specified areas (holidays and leave, travel applications and training activities).

These Rules are issued on the ground of Article 37.1 of the Energy Community *Procedures for the Establishment and Implementation of Budget, Auditing and Inspection* (adopted by the Ministerial Council of the Energy Community with Procedural Act No 2006/03 on 17.11.2006 and amended on 23 September 2014).

The Rules shall not contradict the Staff Regulations of the Energy Community.

SECTION II: LEAVE

Article 1 Annual Leave under Item 10.2 of the Staff Regulations

- 1) Prior to taking annual leave the staff member must file her/his written leave application
- 2) The applications shall be made using the electronic tool (DPW)¹.
- 3) The application is to be approved by the direct superior. Applications by the Director are to be approved by the Deputy Director.
- 4) The Director and the Head of the Financial and Administrative Unit shall be informed about all leave applications through the features of the tool.
- 5) After the approval of the application, the information is entered automatically in the personnel database.

Article 3 Sick leave under Item 10.3 of the Staff Regulations

- 1) Any absence due to sickness must be reported by the staff member to the direct superior.
- 2) Where required under Article 10.3. of the Staff Regulations, the staff member shall present the relevant medical certificate to the Head of the Financial and Administrative Unit immediately upon her/his return. The sick leave certificate will be entered into the personnel database.

¹ At the date of these Rules only leave applications pursuant to Art. 10.2. of the EnC Staff Regulations concerning Annual Leave are possible through the electronic tool; applications for all other types of leave shall be made through templates available in an electronic form through the shared X DRIVE of the Secretariat; the procedure of electronic application of all types of leave is subject to technical adjustments of the tool;

SECTION III: TRAVEL AUTHORISATIONS

Article 1 Travel Authorizations

- 1) Before leaving on official travel on behalf of the Energy Community, authorization must be requested and obtained in a form of an approved travel request.
- 2) The application for the travel authorization shall be made electronically through the electronic travel tool (DPW).
- 3) The application is approved by the direct superior.
- 4) The travel requests by the Director are to be approved by the Deputy Director and subject .
- 5) An approved travel request is basis for obtaining travel options in accordance with the requirements of the Travel Rules of the Energy Community (*most cost-effective principle*).
- 6) Bookings of tickets are centralized and carried out by the Webmaster and Publication Officer (in charge of logistical arrangements) under direct supervision of the Head of the Financial and Administrative Unit.
- 7) Reservations of the hotels are done by the traveler. Accommodation costs are being borne by the traveler and covered by the DSA rate as per the official table of DSA applicable for the calculations of the travel claims.

Article 2 Travel Claims

- 1) Claims for DSA and/or expenditures related to authorized official traveling on behalf of the Energy Community shall be made through electronic travel tool (DPW).
- 2) Claims for reimbursement shall be generally submitted within one week upon return to the office.
- 3) Staff member claiming DSA and/or travel expenditures shall attach to the print-out of the claim from the electronic tool the following:
 - a. the originals of invoices and
 - b. the duly signed travel report.
- 4) All deductions relevant for calculating the amount to be reimbursed shall be reported by the staff members through the required input fields in the tool.
- 5) The travel claim shall be submitted to the Head of Financial and Administrative Unit with the required attachments. Based on these documents, the Head of Financial and Administrative Unit verifies the claim in the electronic form. Following the non-objection to the travel claim by the Head of Financial and Administrative Unit, the claim is submitted electronically to the Director for approval. The approved travel claims are forwarded to the payroll service for further proceedings. As a general rule, travel claims are paid twice a month.
- 6) No travel costs shall be reimbursed if the travel was not duly authorized.

SECTION IV: TRAINING ACTIVITIES

Article 1 Participation in training activities by Secretariat's staff

- 1) Training activities to be attended within official working hours and/or financed by the Energy Community budget require prior approval by the Director. The concrete need for any requested training for work purposes shall be consulted with the direct superior by the staff member. The direct superior (or the staff member where there is no direct superior other than the Director) shall submit the request for training to the Director and reason the need for it.
- 2) The Deputy Director shall approve the participation of the Director in training activities financed by the Energy Community budget.
- 3) Training activities may include seminars, conferences, workshops, language courses etc.
- 4) Participation of staff members at conferences and/or other events other than as an invited speaker shall be considered training.
- 5) Approval shall be made in writing as part of the agreement referred to in Article 2 (3) of this Section (see *also Annex I*). It shall specify whether participation in the training activity is considered working time or not.
- 6) Travel to and participation in training(s) activities is not considered official travel. The Travel Rules of the Energy Community do not apply.
- 7) In cases where the training takes place outside Vienna and the fees do not include regular day-time meals (lunches and dinners), a per diem of EUR 50,-- shall be paid to the traveler².

Article 2 Coverage of costs by the Employer

- 1) Any commitment to cover costs, in their entirety or partly, for a training activity by the Employer requires prior approval by the Director by signature of a Training Agreement the template for which is attached in Annex I.
- 2) The decision to cover costs for training activities shall depend on the exigencies of the service and on the interest of the Energy Community. The Director shall ensure that the principle of similar treatment between all staff members is respected when approving training costs.
- 3) Where the Employer accepts cost coverage, an agreement between the employer and employee shall be entered into. In particular, the agreement shall determine the extent to which costs are covered, whether or not travel costs and/or accommodation and/or daily meal allowance are reimbursed, and lay down conditions for refund in case of early termination of the employment agreement. The agreement shall be signed by the Director and the employee and kept in the personal dossier of the staff member. The Agreement shall be based on the template attached in Annex I.

² This per diem rate may be subject to changes in accordance with budget availability of the EnC;

SECTION V: ADMINISTRATIVE AND FINAL PROVISIONS

- 1) All documents under Sections III and IV shall be filed in the relevant financial dossiers. The accountant shall be responsible for the proper e-filing.
- 2) The Head of Administrative and Finance Unit of the Energy Community Secretariat shall control and be responsible for the proper implementation of these Rules. In this relation, he/she is mandated to directly communicate operationally with the staff members.
- 3) These Rules shall be made available to the Energy Community Secretariat staff members upon their adoption.

ANNEX: Template of a Training Agreement

AGREEMENT

Between the Energy Community, represented by the Director of the Energy Community Secretariat (hereinafter designated "Employer" Am Hof 4, Level 5-6, 1010 Vienna, Austria,

and

Mr./Mrs. _____ hereinafter designated "Employee"

1. The Employee has applied for participation and coverage of costs (strike out if not applicable) for the following training activity (*please provide brief description*):

Note: Participation was approved by his/her superior and the Director in principle upon reasoned request.

2. The training will take place in the following city and country:
- a) On the date _____, time from _____ to _____ (one-time training event).
- b) Date from _____ to _____, time from _____ to _____ (recurring trainings units).

The Employer undertakes to take part in the whole event/all the units.

3. The training is regarded as:

- Part of Employee's working time
 Not part of the Employee's working time.

Unpaid special leave is granted: Yes No

- Part of the Employee's working time to the extent of _____ % (percentage of time spent on training to be regarded as working time)

4. Travelling to and attending a training activity is not considered official travel. Consequently, the Employee is not entitled to DSA applicable under the Travel Rules of the Energy Community. Exceptionally, travel, accommodation costs and reduced DSA as defined by the Rules on Personnel Administration in its most recent version are reimbursed:

Yes No Partly as follows: _____

5. The costs of the training activity are borne by the Employer:

Yes No Partly as follows: _____

6. The employee agrees to refund any training-related costs borne by the Employer (including travel and accommodation, but excluding working time) in case the Employee terminates the employment agreement during the probationary period.

7. Disputes on the refunding of training related costs borne by the Employer shall be settled according to the relevant procedures provided for by the Staff Regulations.

Vienna,

The Employer

The Employee

