

PROCEDURAL ACT OF THE ENERGY COMMUNITY SECRETARIAT

2024/02/ECS-EnC: on the flexible use of working hours within the normal working week and related aspects

The Energy Community Secretariat,

Having regard to the Staff Regulations of the Energy Community in its recent version,

Whereas Staff Regulation 5.1.c. calls for rules on the flexible use of working hours within the normal working week;

Whereas giving the employee the possibility to adjust the use of working hours within certain limits may be in the interest of both the employee and the employer,

Whereas in certain circumstances working from home may constitute a means to uphold the employee's productivity,

Whereas Staff Regulations 5.1.e), 5.2. and 10.3 on overtime work, part time work and sick leave respectively require procedural definition,

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

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1 Flexible use of working hours

(1) Within the limitations set by this Article, a staff member working full time is entitled to flexibility in his/her working hours. The normal working hours for full-time staff shall be eight per day, Monday to Friday.

(2) When working less than eight hours a day, the staff member shall inform his/her direct superior prior to his/her absence to the extent this is required by the exigencies of the service and the organization of work within the Secretariat.

(3) In any event, the staff member shall be present in the office from Monday to Friday between 10:00 and 12:00 and 14:00 and 16:00 ("core time"), unless otherwise authorized.

(4) The right to flexibility is without prejudice to the obligation of the staff member to fulfill his/her tasks properly and the right of the direct superior and the Director to call on the services a staff member within the normal working hours, whenever necessary. In any event, the staff member shall ensure constant availability on his/her mobile phone within the normal working hours.

(5) The Head of Administrative and Financial Unit shall ensure the availability of the Secretariat for administrative contacts during the office hours between 9:00 and 17:00.

(6) The right to flexibility does not prejudice the duty to keep the normal working week of five working days and a total of 40 hours. A staff member shall normally compensate his/her absence within one working week, excluding the weekend or holidays. Such compensation may not be considered overtime.

(7) Compensation for overtime work in accordance with Staff Regulation 5.1.e. shall not be granted to staff members to the extent they have worked less than 40 hours in the working week preceding the overtime work.

Article 2 Work from home

(1) The Director, upon confirmation by the direct superior, may allow a staff member to work from home, where this is not contrary to the exigencies of the service and the interest of the Energy Community.

(2) Work performed from home shall normally not exceed 24 hours a month.

(3) A staff member working from home shall ensure constant availability via telephone and email.

(4) Authorization to work from home may be withdrawn at any time by the Director, where this proves to be inefficient.

(5) An application for work from home shall be submitted by the staff member online using the HR Management System in place. If such a system is not available, an application submitted via email to the Executive Officer may also be accepted.

Article 3 Part-time work

(1) A staff member requesting authorization to work part time in accordance with Staff Regulation 5.2. shall submit a justified request, in writing, not later than one month before the requested starting date. The Director, upon consultation with the direct superior, shall decide on the request within 14 days.

(2) Following the authorization to work part-time, an addendum to the Employment Agreement reflecting the relevant terms and conditions shall be signed between the employee and the employer.

(3) Part time work shall normally start on the first day of the month.

(4) A staff member working part time shall be paid the percentage of his/her full salary corresponding to the agreed percentage of his/her working time per month. He/she shall be entitled to the percentage of his/her leave corresponding to the percentage to his/her working time per month.

(5) Staff members working part time shall not be exempted from Staff Regulation 3.3.

(6) Authorization to work part time may be withdrawn at any time by the Director, where this proves to be inefficient, unless the authorization is based on one of the cases mentioned in Staff Regulation 5.2. a).

Article 4 Overtime Compensation

(1) Compensation for overtime work may only be granted if Staff Regulation 5.1.e) and the present rules have been strictly followed.

(2) The instruction to work overtime by the direct superior as well as the approval by the Director referred to in Staff Regulation 5.1.e) shall be made by email.

(3) Staff members having worked overtime in accordance with Staff Regulation 5.1.e) shall inform the Executive Officer by email on the amount of overworked hours, as well as the expected time of the compensation. The instruction by the direct superior and the approval by the Director shall be attached thereto.

(4) The information email for overtime compensation shall be sent not later than within five working days following the day of working overtime.

(5) Time spent on and in connection with official travel shall not be eligible for overtime compensation.

(6) Exceptionally, overtime compensation at a compensation rate of 1.5 hour for each hour of overtime worked will be granted if the staff member has been requested to attend a meeting or event scheduled on a weekend or official holiday according to Austrian legislation. This fact shall be specifically mentioned in the travel request and approved prior to the travel by the Director. In such a case, overtime compensation shall be calculated on the basis of the duration of the meeting or event in question.

Article 5 Sick leave

(1) Sick leave according to Staff Regulation 10.3 shall not be considered working time. No compensation for overtime work in accordance with Staff Regulation 5.1.e. shall be granted to staff members on sick leave.

(2) A staff member shall be responsible for informing his/her superior as soon as possible of any absence for medical reasons and submit the sick leave application online using the HR Management System in place.

(3) Medical certificates as required by Staff Regulation 10.3. shall be submitted to the Executive Officer by the staff member in question within five working days following his/her absence from work. They shall be filed in the staff member's personal file.

(4) A staff member on sick leave may at any time be required to undergo a medical examination by a medical doctor designated by the Director. The Director may refuse any further sick leave, if the staff member is, in the doctor's opinion, able to resume his/her duties.

Article 6 Relation to Staff Regulations

The rules in this Procedural Act may not contradict the Staff Regulations. In cases of conflict, the latter shall prevail.

Article 7 Entry into force

This Procedural Act shall enter into force upon adoption. All earlier notes and guidelines related to the subjects covered by this Procedural Act shall be revoked.

For the Energy Community

A handwritten signature in black ink that reads "Artur Lorkowski".

Artur Lorkowski

Director

Done at Vienna on 27 February 2024