

Decision of the Management Board 30/2019/MB

**ON REQUESTING COMMISSION'S AGREEMENT TO ADOPT GENERAL
PROVISIONS FOR IMPLEMENTING ARTICLE 42B OF THE STAFF
REGULATIONS CONCERNING FAMILY LEAVE**

Adopted by the Management Board

on 20 November 2019

THE MANAGEMENT BOARD,

Having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA¹, and in particular Article 9(1)(j) thereof,

Having regard to the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Communities, laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68², and in particular Article 42b of the Staff Regulations,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations [reference number of the Commission's Decision] of [date],

After informing the Staff,

Whereas:

- (1) As far as implementation of Article 42b of Staff Regulations on family leave is concerned, CEPOL has been applying the Commission Decision C (2010) 7494 on Article 42b of the Staff Regulations concerning family leave, *mutatis mutandis*.
- (2) The above implementation has not been formalised by means of a Management Board decision.
- (3) In the interest of legal clarity and certainty, it is advisable to regularise the above-mentioned situation.
- (4) In accordance with Article 110(2), paragraph 5, of the Staff Regulations, CEPOL needs Commission's agreement before adopting implementing rules which concern subject other than the implementing rules informed of by the Commission.
- (5) Therefore, before adopting a set of rules in relation to the implementation of Article 42b on family leave, the Management Board needs to request the agreement of the Commission.
- (6) The set of rules annexed to the present Decision is largely based on Commission Decision C(2010) 7494 of November 2010, with the exception of certain adaptations,

HAS ADOPTED THIS DECISION:

¹ OJ L319, 4.12.2015, p.1.

² OJ L56, 4.3.1968, p. 1.

Article 1

The Agency shall request the agreement of the Commission to adopt the annexed rules on implementation of Article 42b on family leave.

Article 2

The present Decision shall enter into force the day following its adoption.

Done at Tampere, on 20 November 2019

For the Management Board

<< Signature on file >>

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Dr Kimmo Himberg

Chair of the Management Board

ANNEX

Article 1 General

1. Provided that the conditions laid down in Article 42b of the Staff Regulations are met, a servant shall be allowed to take family leave at his/her own request. The starting date of a period of family leave may in exceptional circumstances be delayed for a maximum of one month provided that such delay is in the interest of the service. In this case, a reasoned decision shall be taken by the authority authorised to conclude contracts ('AACC'). In urgent situations, the starting date may not be delayed.
2. Where a servant serving a probationary period is granted family leave in the form of full-time leave, the probationary period is suspended for the duration of the family leave.

Article 2 Procedure

1. A request for family leave shall be submitted by the servant to the AACC through his/her immediate superior at least one month before the requested starting date, except on grounds of urgency. The minimum duration of family leave shall be 10 consecutive working days.
2. The request for family leave shall clearly indicate the name and date of birth of the person in respect of whom family leave is to be taken, the person's family relationship with the servant, the planned duration of the leave, and whether family leave is being requested on a full-time or a part-time basis.
3. The request shall be accompanied by a medical certificate to be sent to the Medical Advisor with a diagnosis of the illness or handicap and confirming its seriousness. Where the medical certificate is not available at the time the request is submitted, it shall be provided within two weeks of that date.
4. The request for family leave may be renewed under the same terms, subject to the maximum duration for such leave as specified in Article 42b of the Staff Regulations.
5. The AACC may, at the request of the servant concerned, or in the case of a change in the circumstances which justified the granting of family leave, withdraw the authorisation for family leave before the expiry of the period for which it was granted. Both the AACC and the servant shall give at least one month's notice thereof, unless otherwise agreed between the official and his/her department.

Article 3 Family leave taken on a part-time basis

1. In the case of family leave taken on a part-time basis, the working-time arrangements must be approved by the immediate superior, taking into account the interest of the service, and the rules on working time arrangements for standard part-time work apply.
2. During family leave on a part-time basis the servant shall not work overtime.

Article 3a
Withdrawal of authorisation for family leave

1. Servants may request withdrawal of the authorisation for family leave with retroactive effect due to illness. Such a request may be granted by the AACC in exceptional cases, taking into account the likely duration of the sick leave, the duration of the family leave and the fact that the illness prevents the servant from performing the tasks for which he/she had requested family leave. In such cases, the authorisation may be withdrawn with effect from the first day of illness as attested by a medical certificate, provided that the request is made to the AACC as quickly as possible. The original medical certificate shall be sent to the Medical Advisor 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 sent to the AACC. In cases of force majeure, where servants are unable to request the withdrawal of the authorisation for family leave themselves, their consent shall be assumed and the withdrawal made on their behalf by the CEPOL HR Team acting on a special ad hoc decision by the AACC.

Article 4
Leave entitlements during family leave

- (1) For annual leave entitlements for a servant spending part of the year on family leave CEPOL has been applying the Commission Decision C(2013)9051 final on leave (in section III b 4 "Family leave") *mutatis mutandis*.