

DECISION OF THE EUROPEAN CENTRAL BANK
of 6 February 2018
amending Administrative Circular 1/2011 on Additional Salary Advancements
(ECB/2018/NP3)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union,

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

Having regard to the Rules of Procedure of the European Central Bank¹, and in particular Article 11.2 thereof,

Having regard to Decision ECB/2016/NP4 of the European Central Bank of 12 January 2016 delegating certain powers to the Chief Services Officer in relation to election rules for elected committees, internal administrative inquiries, rules on secondment of members of staff for external work experience, Additional Salary Advancements and promotions, and in particular Article 4 thereof,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) Members of staff may be awarded Additional Salary Advancements (ASAs) on the basis of their performance within and level of contribution to their business area.
- (2) The judgments of the Civil Service Tribunal in Cases F-94/14 *Bowles v ECB*² and F-95/14 *Seigneur v ECB*³, delivered on 17 December 2015, annulled the ASA decision for 2014 in relation to two members of staff who were staff representatives on full and substantial time dispensation because, unlike other members of staff, it was impossible for them to obtain an ASA for that year.
- (3) A distinct and parallel ASA for staff representatives with time dispensation should recognise their individual contribution to the staff representation function at the European Central Bank (ECB).
- (4) Members of staff who are also staff representatives with time dispensation should be eligible for an annual salary award. Staff representatives with time dispensation are considered to be members of

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

² *Carlos Bowles v European Central Bank*, F-94/14, ECLI:EU:F:2015:156.

³ *Olivier Seigneur v European Central Bank*, F-95/14, ECLI:EU:F:2015:155.

staff who work for the Staff Committee, the Oversight Committee and/or one of the trade unions recognised under the 'Guiding principles for the recognition of, information sharing and consultation with, trade unions at the European Central Bank' of 01/04/2011.

- (5) Staff representatives may relinquish the possibility for only one staff representative to be awarded an ASA by proposing several staff representatives as candidates for an ASA.
- (6) Therefore, Administrative Circular 1/2011 should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments

Administrative Circular 1/2011 is amended as follows:

1. The title is replaced by the following:
'Additional Salary Advancements for members of staff and staff representatives with time dispensation';
2. Article 1 is replaced by the following:

'Article 1

Purpose

- (1) The purpose of Additional Salary Advancements (ASAs), referred to in Chapter 1, is to recognise continuous outstanding performance of members of staff by the award of a salary increase in addition to the Annual Salary and Bonus Review (ASBR) pursuant to the ASBR Guidelines or an *ad personam* promotion.
 - (2) ASAs shall be awarded annually to approximately 1% of the total of the members of staff eligible for an ASBR.
 - (3) The purpose of Additional Salary Advancements for staff representatives with time dispensation ('SR/ASAs'), referred to in Chapter 2, is to recognise their level of contribution to the staff representation function at the European Central Bank (ECB) by awarding a salary increase in addition to the Annual Salary and Bonus Review for staff representatives ('SR/ASBR') or an *ad personam* promotion.
 - (4) SR/ASAs shall be awarded annually to one or more staff representatives eligible for an SR/ASBR.;
3. The following Article 1a is inserted:

'Article 1a

Definitions

- (1) "full time dispensation" means full or substantial paid time off (i.e. at least 75 %) granted to members of staff to carry out the staff representation function at the ECB;
- (2) "time dispensation" means any paid time off, including full time dispensation, granted to members of staff to carry out the staff representation function at the ECB;

- (3) “reference period” means the three years preceding an ASA decision;
 - (4) “staff representative” means a member of staff who is (a) elected as a member of the Staff Committee and/or the Oversight Committee; and/or (b) appointed by one of the trade unions recognised under the terms of the ‘Guiding principles for the recognition of, information sharing and consultation with, trade unions at the European Central Bank’ of 01/04/2011 as their representative;
 - (5) “year 1” means the first year of the reference period for the purpose of an ASA;
 - (6) “year 2” means the second year of the reference period for the purpose of an ASA;
 - (7) “year 3” means the third year of the reference period for the purpose of an ASA, which is the year preceding the ASA decision.’;
 - (8) “years” refers to the ASBR cycles, from 1 September of one year to 31 August of the following year.
4. The following title is inserted between Articles 1a and 2:
‘Chapter 1: Additional Salary Advancements for members of staff’;
5. Article 2 is amended as follows:
- (a) paragraph 2 is replaced by the following:
 - ‘2. A performance is considered to be continuously outstanding if, for at least two of the three years in the reference period, of which one year shall precede the ASA decision (i.e. during year 1 and/or year 2, and during year 3):
 - (a) it has been reflected as such in the appraisals; and
 - (b) the member of staff was awarded a number of salary steps corresponding to the highest range of the ASBR awards.

Notwithstanding the previous subparagraph, for members of staff who worked in a business area during year 3, and who were staff representatives with full time dispensation during year 1 and/or year 2, their performance is considered to be continuously outstanding if for year 3:

 - (a) it has been reflected as such in the appraisal; and
 - (b) the member of staff was awarded a number of salary steps corresponding to the highest range of the ASBR awards.’;
 - (b) paragraph 3 is replaced by the following:
 - ‘3. For staff representatives with time dispensation below 75 % the eligibility criteria for an ASA shall apply to their performance within and level of contribution to their business area.’;
6. In Article 3, paragraph 2 is replaced by the following:
- ‘2. The Area Heads shall individually propose members of staff of their business areas for ASAs and forward their proposals to Directorate General Human Resources (DG/HR) supported by a detailed justification on the basis of the eligibility criteria set out in Article 2. On average, the number of candidates proposed by an Area Head for the purpose of the ASA exercise

shall correspond to approximately 1% of the eligible staff of their business area. Where necessary, they shall give priority to candidates with the longest periods of outstanding performance over the previous five years and who have not yet received an ASA or whose last ASA is the least recent, while also taking into account the salary band and gender diversity of the candidates proposed for their business area in the previous ASA exercises.’;

7. The following Chapter 2 is inserted between Articles 5 and 6:

‘Chapter 2: Additional Salary Advancements for staff representatives with time dispensation

Article 5a

Eligibility criteria for an SR/ASA

Staff representatives with time dispensation in the year preceding the SR/ASA decision shall be eligible for an SR/ASA provided all of the following conditions are met:

- (a) they have completed at least three months of service as staff representatives with time dispensation in the year preceding the SR/ASA decision;
- (b) they are not eligible for an ASA pursuant to Article 2;
- (c) their position is allocated to salary bands A to J;
- (d) they have completed at least two full calendar years of service on 31 December of the year preceding the SR/ASA decision;
- (e) they have not been awarded an ASA in the last two ASA rounds;
- (f) they have not been awarded 14 salary steps in one of the last two SR/ASA rounds, or that the steps awarded in the last two SR/ASA rounds do not cumulatively amount to 14 steps.

Article 5b

SR/ASA procedure

- 1. DG/HR shall initiate the SR/ASA procedure annually after the SR/ASBR has been completed, by requesting the staff representatives to submit their SR/ASA proposal.
- 2. The staff representatives shall submit a joint proposal, by majority vote, for one or more candidates to be recommended to the Executive Board for an SR/ASA.
- 3. The proposal shall include:
 - (a) a reasoned assessment describing the individual contribution of the candidates to the staff representation function at the ECB; and
 - (b) the proposed steps to be awarded to the candidates based on their contribution to the staff representation function at the ECB.
- 4. The Chief Services Officer shall ensure compliance with the applicable rules and report to the Executive Board to this effect.

Article 5c

Effects of an SR/ASA

- 1. The Executive Board shall decide on the basis of the proposals.

2. On a yearly basis, the Executive Board shall grant 14 salary steps in total to one or more staff representatives with time dispensation on the basis of the individual contribution to the staff representation function at the ECB.
3. Staff representatives with time dispensation may be granted a maximum of 14 salary steps over a period comprising three SR/ASA rounds.
4. The salary of the staff representatives with time dispensation who are awarded an SR/ASA shall be increased by the number of steps awarded. If such an increase results in an ad personam promotion, Article 5 shall apply mutatis mutandis.
5. The salary steps awarded shall not be prorated to the time dispensation.
6. The SR/ASA shall become effective on the first day of the month following the SR/ASA decision.'

Article 3

Entry into force

1. This Decision shall enter into force on 7 February 2018.
2. For staff representatives with time dispensation from 1 September 2015 to 31 August 2016 - and who have not been served with a decision on whether they have been granted additional salary advancements for their contribution to the staff representation function at the ECB in 2016, the provisions of Chapter 2 shall apply to the SR/ASA decision for 2017.

Done at Frankfurt am Main, 6 February 2018.



The President of the ECB

Mario DRAGHI