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SERVICE REGULATIONS FOR THE LOCALLY RECRUITED TEACHERS IN THE EUROPEAN SCHOOLS

Approved by the Board of Governors by Written Procedure 2016/12

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Service Regulations for Locally Recruited Teachers in the European Schools

THE BOARD OF GOVERNORS OF THE EUROPEAN SCHOOLS

having regard to Article 12.1 and 27.2 of the *Convention defining the Statute of the European Schools* of 21 June 1994,

intending to ensure that the rules applicable to locally recruited teachers are in line with fundamental rights as laid down in the *Charter of Fundamental Rights of the European Union,*

HAS ADOPTED THESE SERVICE REGULATIONS:

Chapter I

General provisions

Article 1

General principle

The posts created by the Board of Governors and shown in the organogram shall be held as a matter of priority by members of the seconded staff. In case no seconded teacher is available, the post can be taken by a locally recruited teacher.

Article 2

Scope

These Service Regulations, adopted by the Board of Governors pursuant to Article 12 of the Convention defining the Statute of the European Schools, shall apply to all teachers as referred to in Article 4 point 3.

Article 3

Legal status applicable

1. These Service Regulations shall take precedence over the legal provisions of the legislation of the host country.

2. The national legislation of the host countries of the European Schools shall only apply in case there is an explicit reference in these Service Regulations or residually to the conditions of the conclusion and execution of the contracts concluded with locally recruited teachers with respect to anything for which there is no provision in these Service Regulations.

Article 4

Definitions

For the purpose of these Service Regulations, the meaning of the terms listed below shall be as follows:

1. ‘Statute of the European Schools’: the Convention of 21 June 1994 defining the Statute of the European Schools;

2. ‘European School’ or ‘School’: any educational establishment whose setting up is decided by the Board of Governors on the basis of the Statute of the European Schools;

3. ‘Locally recruited teacher’: any teacher recruited by the Director of a European School to perform teaching, educational and pupil support duties and which cannot be assigned to members of the seconded staff; it is to be distinguished between the following locally recruited teachers:

   - ‘school year(s) teacher’: any teacher locally recruited for a definite or an indefinite period to perform, for an entire school year, teaching jobs that cannot be provided otherwise,

   - ‘ad interim teacher’: any teacher locally recruited to perform, in course of the schooling period, temporary teaching tasks that cannot be provided otherwise;

4. ‘Director’: the head teacher of a European School;

5. ‘Contract’: The agreement concluded between the European School and the locally recruited teacher in order to ensure the teaching service;

6. ‘School year’: the period from 1 September to 31 August of the following calendar year;

7. ‘Schooling period’: The period between the beginning of the school year and the beginning of the summer holidays;

8. ‘Members of the seconded staff’: persons coming under the Regulations for Members of the Seconded Staff of the European Schools**;**

9. ‘teaching hour’: 60 minutes of teaching and/or educational support provided by nursery and primary cycle teachers;

10. ‘teaching periods’: 45 minutes of teaching and/or educational support provided by secondary cycle teachers;

11. ‘National Inspector’: an inspector who is appointed by the Board of Governors pursuant to Article 16 of the Statute of the European Schools;

12. ‘City‘: for the purpose of these Service Regulations the Schools Brussels 1, Brussels 2, Brussels 3 and Brussels 4 respectively the schools Luxembourg 1 and Luxembourg 2 on the other side are considered to be located in the same city.

Article 5

Implementation

1. The Directors shall be responsible for the application of these Service Regulations in their Schools.

2. The Secretary-General of the European Schools shall guide the Directors in implementing and applying these Service Regulations.

3. Locally recruited teachers in post in a School shall be under the authority of the Director with respect to the carrying out of their assignment and the operation of the School. They shall be accountable to the Director for performance of the duties assigned to them in conformity with these Service Regulations and their contract.

Chapter II

Recruitment and conclusion of contracts

Article 6

Recruitment pre-conditions

A locally teacher shall only be recruited locally in the following cases:

a) as a school year(s) teacher:

- to teach the timetable of a post budgeted in the organisation chart of the school, which has not been filled by a member of the seconded staff;
- to teach weekly hours or periods of religion;
- to teach weekly hours or periods of subjects, where the number of hours or periods to be taught does not justify the creation of a post for a seconded teacher, including the provision of learning or other pedagogical support as a teacher.

b) as ad interim teacher:

- to replace seconded or locally recruited teachers who are temporarily absent;
- to temporarily provide weekly hours or periods of learning or other pedagogical support as a teacher.

Article 7

Recruitment procedure

1. A Director who has to recruit a teacher locally shall be required to publish a job offer on the website of the School, the European Schools and in national or international media at least two weeks before the selection of the candidates.

The job offer shall contain the following information:

- the nature of the duties,
- the approximate number of weekly hours/weekly periods,
- the requirements to perform the duties in accordance in particular with Article 10 of these Service Regulations,
- the place of work,
- where applicable, the intention to constitute a reserve list for future recruitment and
- the method of application.

2. The Director may derogate from the provisions of paragraph 1 in cases where a vacancy can be filled by a locally recruited teacher already employed at a European School or placed on a reserve list linked to an earlier recruitment procedure carried out in line with these provisions or where this is mandatory to ensure the continuity of the service.

3. During the selection procedure the Director must treat all candidates equally.

4. A Director may not make any distinction on the basis of personal factors when they have no connection with the post or the nature of the undertaking. Thus, the employer may, in particular, not make a distinction on the basis of age, sex, marital status, medical history, race, colour, national or ethnic ancestry or origin, political or philosophical convictions, sexual orientation or a disability.

5. All information concerning the candidate shall be treated confidentially.

6. The Director shall consult a national inspector in order to validate the qualifications and the relevant supporting documents (i.e. diploma, certificates or attestations of previous post(s) held).

7. Candidates whose applications have not been successful shall be informed in writing by the Director within 20 working days after the finalisation of the recruitment procedure.

Article 8

Qualifications and other requirements

1. Prior to the conclusion of a contract, a locally recruited teacher shall prove by supporting documents that he/she has the qualifications required to teach the subjects

at the respective levels for which he/she is to be recruited and shall meet the requirements specified in the relevant job offer.

2. He/She produces the appropriate character references as to his/her suitability for the performance of his/her duties as a locally recruited teacher in form of an official document. In absence of such a document at the time the contract enters into force he/she has to sign a declaration of honour and produce the official document ex-post.

3. Prior to the conclusion of a contract, a candidate shall be required to produce a medical certificate of fitness, issued no more than three months previously by a doctor, testifying to the fact that his/her state of health neither impedes him/her to teach nor presents a danger to the pupils and members of staff.

The School shall reimburse the costs incurred by the candidate for requesting the certificate.

Article 9

Conclusion of contract

1. The recruitment of a locally recruited teacher shall involve the signing of a written contract, whereby the teacher undertakes to adhere to the provisions of these Service Regulations.

2. The following must be mentioned in the contract:

a) the name and address of the contracting parties;

b) the date on which the member of staff is to take up the post;

c) the duration of the contract;

d) the place of work;

e) the duties and responsibilities carried by the post to be filled;

f) the grading in the occupational category and the remuneration carried;

g) the weekly teaching hours/periods;

h) the probationary period provided for in Article 14;

i) the period of notice required for termination of employment;

j) the rules applicable with respect to the adaptation of the teaching hours/periods attributed at the begin of the contract;

k) the applicability of these Service Regulations.

3. Locally recruited teachers shall begin to perform the duties assigned to them on the date their contract enters into force. In any event, a locally recruited teacher may not take up his/her duties before signing the contract.

4. The School provides the locally recruited teacher with a copy of these Service Regulations, a copy of the General Rules of the European Schools and – where applicable – with a copy of any other additional internal rules before signing the contract. Instead of a copy also a reference of the electronic version of the rules can be provided.

Article 10

Teaching categories

1. These Service Regulations shall cover the following teaching categories:

- nursery,
- primary,
- secondary teaching.

2. Locally recruited teachers may be recruited to teach in one or more of the aforementioned categories.

3. Locally recruited teachers shall be requested to perform the additional duties necessary for the proper functioning of the School in accordance with Article 31.

4. Without prejudice to Article 5.3 of these Service Regulations and pursuant to a decision by the Director, a locally recruited teacher may be called upon to occupy temporarily a function other than the one for which he/she was recruited, provided that he/she has the qualifications required for this function.

Chapter III

Period of employment

Article 11

General principle

Without prejudice to Article 12 paragraph 3 and Article 38, contracts of employment with locally recruited teachers shall be concluded for a fixed term period, which is defined in the Articles 12 and 13 of these Service Regulations.

Article 12

School year(s) teaching contracts

1. A fixed term school year(s) teaching contract lasts until the end of the second school year, following the school year for which the school year teacher was recruited and may only be prolonged once for two further school years.

2. To cover school year teaching needs with the same locally recruited teacher beyond a fourth year, only contracts for an indefinite period may be concluded**.**

3. A contract for an indefinite period shall only be concluded

- after an evaluation carried out by the Director and an national inspector and
- on condition that the results of the evaluation carried out in conformity with Article 22 are positive.

Article 13

Ad interim teaching contracts

1. Ad interim teaching contracts may be concluded with the same teacher to cover temporary teaching needs whenever these needs arise during the schooling period.

2. The duration of the contract of an ad interim teacher depends on the duration of the temporary teaching need to be covered. The contract shall also cover the School holidays within this period.

Article 14

Probationary period

1. For school year(s) teaching contracts the probationary period ends at the end of the schooling period of the first year of contract. During this period each of the two parties may without giving reasons terminate the contract in writing subject to two weeks' notice.

At the end of the probationary period the Director, who may consult a national inspector, and carries out an evaluation. The contract must be terminated at the end of the probationary period in case the evaluation states that the performance is not satisfying.

2. For ad interim teaching contracts the parties may agree on a proportionally shorter probationary and notice periods to be fixed in the individual contract. The evaluation at the end of the probationary period is carried out by the Director who may consult a national inspector.

Article 15

End of the contract

The contract shall automatically end without notice or compensation in case of:

- fixed term school year(s) teaching contracts on the last day of the second 'school year' as defined in Article 4 of these Service Regulations;

- ad interim teaching contracts, on the day the temporary teaching need defined in the contract ceases to exist and at the latest at the end of the 'schooling period' as defined in Article 4 of these Service Regulations;

- extraordinary termination of the contract in accordance with Article 18 and 45 of these Service Regulations;

- at the end of the school year in which the locally recruited teacher turns 66 years, unless both contracting parties agree on a prolongation; in this case the notice period will be eight weeks;

- death.

Article 16

Termination

1. Without prejudice to Article 14 and 15 of these Staff Regulations and where a locally recruited teacher is recruited for a fixed term period, each of the parties may terminate the contract within four weeks.

2. Where a locally recruited teacher is recruited for an indefinite period in accordance with Article 12.2 and 12.3 each of the parties may terminate the contract.

Unless stated differently in an agreement signed by the Director and the locally recruited teacher the period of notice shall not be less than one month for each completed year of service, subject to a minimum of three months and a maximum of 10 months.

3. During the period of notice both parties are obliged to fulfil their obligations laid down in these Service Regulations.

Article 17

Termination in the case of secondment

1. In case it is envisaged that a seconded teacher will take a post which is currently taken by a locally recruited teacher the Director will firstly verify the possibility to offer the locally recruited teacher teaching hours/periods in his school.

2. In case this will not be possible, the Director will verify the possibility of a transfer of the locally recruited teacher to another European School in the same city by respecting Article 38.

3. In case this will not be possible, the Director will verify the possibility of a transfer of the locally recruited teacher to another European School by respecting Article 38.

4. In case this will not be possible or the locally recruited teacher refuses the new teaching hours/periods or the post in another European School, the contract will be terminated in line with the notice periods foreseen in Article 16.

Article 18

Extraordinary termination

In case of a very serious misconduct, in particular for causing physical or mental harm to a pupil or a member of staff or for theft, fraud or breach of trust, making continuation of performance of the contract impossible, the Director shall launch within five working days of having knowledge of the facts complained of a disciplinary procedure as foreseen in Chapter VIII of these Service Regulations.

Chapter IV

Rights and obligations

Article 19

Representation

1. A ‘Locally Recruited Teachers Staff Committee’ elected by the locally recruited teachers shall be set up.

2. Only locally recruited school year(s) teachers teaching at least 7 hours/6 periods per week in the school concerned shall be entitled to stand for elections. The representatives thus elected shall be exempted from their duties for one hour/period per week.

3. A list of the members of the ‘Locally Recruited Teachers Staff Committee’ shall be communicated to the Director and to the Secretary-General.

4. The ‘Locally Recruited Teachers Staff Committee’ shall represent the interests of the locally recruited teachers vis-à-vis the School. It shall contribute to the smooth running of the services and to the educational quality of the teaching by providing a channel for expression of opinion by the staff. It shall also perform the duties recognised by the

legislation internal to the staff representation organs, with particular reference to prevention of bullying.

5. At the request of the Board of Governors or on its own initiative, the Committee may express its opinion on problems concerning the interpretation and application of these Service Regulations or the life of the Schools or the material and moral welfare of the staff.

6. The 'Locally Recruited Teachers Staff Committee' shall be convened by its chair twice in each school year. All meetings being held in Brussels.

Where necessary and for duly justified reasons, the Secretary-General may authorise additional meetings at a venue to be determined by him/her.

7. The 'Locally Recruited Teachers Staff Committee' shall be chaired alternately, on an annual rotating basis, running from 1 September to 31 August of the following year, by a representative of the primary section and a representative of the secondary section. This rotation shall be determined by the alphabetical order of the names of the cities in which the Schools are situated.

8. Mission expenses shall be reimbursed to members of the staff committee attending the meetings provided for in paragraph 6 in accordance with the provisions laid down in the Regulations for Members of the Seconded Staff of the European Schools.

9. The performance of representational duties shall neither be prejudicial to nor create particular protection for the person concerned.

10. Two representatives of the teaching staff, one for the nursery and primary and one for the secondary, shall be appointed annually by common assent in each School as delegates to the Administrative Board of each of the Schools.

11. The 'Locally Recruited Teachers Staff Committee' and the 'Inter Schools Staff Committee", referred to in Article 8 of the Regulations for Members of the Seconded Staff of the European Schools, compose the 'Teaching Staff Committee' representing the whole teaching staff of the European Schools.

12. The 'Teaching Staff Committee' and the 'Administrative and Ancillary Staff Committee' of each School shall appoint annually by common assent a member of the 'Inter Schools Staff Committee" and his/her alternate to represent them on the Board of Governors. The President of the Board of Governors may, however, invite members of the 'Locally Recruited Teachers Staff Committee' as experts, to meetings whenever matters of interest or concern for locally recruited teachers are to be addressed.

13. The current Article will be applicable until the end of the second year after the entry into force of these Service Regulations. If possible, a system of a unique representation of the teachers of the European Schools will be created.

Article 20

Right of association

Locally recruited teachers shall be entitled to exercise the right of association; they may in particular be members of trade unions or professional associations and may hold office.

Article 21

Professional development

1. The School shall facilitate such further professional development of locally recruited teachers as is compatible with the requirements of the proper functioning of the service.

2. Participation in an in-service training course shall not be remunerated as supplementary hours.

Article 22

Evaluation

1. An evaluation in accordance with Article 14 shall be carried out at the end of the probationary period.

2. An evaluation in accordance with Article 12.3 shall be carried out before a contract for an indefinite period is concluded. The evaluation should be duly carried out at least three months before the fixed-term contract period expires.

3. Furthermore, the pedagogical performance and competence of each locally recruited teacher with a contract for an indefinite period shall be the subject of an evaluation carried out by the Director and a national inspector at minimum every four years. The Director will consult a national inspector in order to carry out the evaluation.

4. A copy of the evaluation report, signed by the Director, shall be given to the locally recruited teacher concerned and a second copy will be kept in the personal file. The locally recruited teacher concerned shall be entitled to add all comments thereon which he/she deems relevant.

5. The aforementioned evaluations shall be duly carried out in line with guidelines to be defined by the Office of the Secretary General. In the event of disagreement between the Director and the inspector, the Director's judgement shall preponderate.

Article 23

Personal file

1. There shall be an educational and administrative file for each locally recruited teacher.

2. This file shall be confidential. It shall be kept by the management of the school and shall contain all documents concerning administrative status and all reports concerning competence, efficiency and conduct in the service, excluding any reference to political, philosophical or religious views.

3. The file and its documents must be stamped 'Confidential'.

All the documents contained in the personal file will be numbered and filed in serial order. No document in the file may be removed without the agreement of the management and the person concerned.

There may not be any other file of a Locally Recruited Teacher containing the same information. However, the financial part of the file may be located in the Administrator-Bursar's department.

4. The locally recruited teacher shall be entitled to consult all documents contained in his/her file in the office of the management and to make any comments on these documents.

5. The locally recruited teacher shall be informed about all new documents added to the personal file.

Article 24

External professional activities

1. Locally recruited teachers shall be free to engage in other external professional activities provided that these are compatible with the proper performance of the duties assigned to them by the Director of the School in conformity with their contract.

2. School year(s) teachers shall notify their professional activities and shall ask the Director for authorisation. The authorisation will be given provided that the locally recruited teacher will not engage in business or in any employment or activity that may conflict with the interests of the School. Where a locally teacher finds himself/herself in a situation of conflict of interests or notices the possibility thereof, he/she shall immediately notify it to the Director.

3. Locally recruited teachers shall notify their disposability in the context of the planning of the school year.

Article 25

Obligation of loyalty, integrity and confidentiality

1. Locally recruited teachers shall perform their duties and conduct themselves solely in the interests of the School, in accordance, in particular, with the instructions laid down in the General Rules of the European Schools and with the school rules.

2. Locally recruited teachers shall abstain from any action and, in particular, any public expression of opinion which may reflect on their position and impair their ability to maintain their duty of loyalty towards the School.

3. Locally recruited teachers shall not give lectures or produce material on the School or issues concerning it without the consent of the Director.

4. After termination of their service locally recruited teachers shall exercise the greatest discretion with regard to all facts and information which came to their knowledge in the course of or in connection with the performance of their duties.

Article 26

Information

Locally recruited teachers shall supply to the Director of the School all information relevant to their rights and obligations under these Service Regulations. Where there is any change to the circumstances as notified at the time of recruitment or thereafter, teachers shall inform the Director without delay.

Article 27

Obligation of residence

Locally recruited teachers shall reside at no greater distance from the location of the School in which they are employed than is compatible with the proper performance of their duties.

Article 28

Other obligations

1. A locally recruited teacher may be required to make good, in whole or in part, any damage suffered by the Schools as a result of misconduct on his/her part when performing his/her tasks for the School.

2. Where a locally recruited teacher incurs civil liability for damage caused either by a pupil in his/her care or to a pupil in the same circumstances, the School's liability shall be substituted for that of the teacher, without prejudice to paragraph 1.

3. The School shall take out adequate insurance to cover its own and its locally recruited teachers' liability in respect of third parties.

Chapter V

Duties and working conditions

Article 29

Teaching hours and teaching periods

1. On recruitment or renewal of his/her assignment, a locally recruited teacher shall be assigned a number of weekly teaching hours/periods.

2. As far as reasonably possible and taking account of the School's logistic constraints, and, should the need arise, by proposing to make up the timetable with weekly hours/periods to be taught in another School in the same city, the Director shall seek to group the weekly teaching hours/periods of any particular locally recruited teacher without any obligation to respect a minimum amount of teaching hours/periods.

Article 30

Adaptation of teaching hours/periods

1. The number of teaching hours/periods may be adapted to the needs of the school.

2. A change to the number of hours/periods during performance of the contract in the cases referred to in paragraph 1 shall mean a correlative change to remuneration, without the locally recruited teacher's being entitled to claim compensation. In case the locally recruited teacher does not agree to a change to the number of hours/periods the Director may terminate the contract by respecting the following notice periods:

- five working days in case the adaptation of a fixed term contract is notified before 15 October of the given school year;

- the notice periods foreseen in Article 16.1 in case the adaptation of a fixed term contract is notified after 14 October of the given school year;

- the notice periods referred to in Article 16.2 of this Staff Regulations in case of the adaptation of a contract of an indefinite duration contract.

Article 31

Other duties

1. Locally recruited teachers shall be required to supervise pupils regularly and to maintain order, on the basis of a roster drawn up by the Director. In addition, locally recruited teachers for the nursery and the primary shall be required to supervise pupils before and after the school day on their arrival and departure.

2. Locally recruited teachers shall attend Class Council and other meetings organised by the Schools, as provided for in the General Rules of the European Schools.

3. The responsibilities inherent in the organisation and invigilation of examinations shall form part of a teacher's duties.

4. The duties referred to in paragraphs 1 to 3 shall be part of the general duties to be performed and shall be covered by the salary payable to locally recruited teachers referred to in Article 35 of these Service Regulations.

The extent of the duties referred to in paragraphs 1 to 3 shall correlate with the number of weekly teaching hours/periods and the timetable scheduled for the locally recruited teacher. In each School the concrete correlation between supervision and the number of weekly teaching hours/periods shall be subject to consultations of the representatives of the locally recruited teachers referred to in Article 19.

5. The allocation of coordination and/or guidance tasks shall be compensated like teaching hours/periods.

6. Participation in school trips shall entitle the locally recruited teacher to a remuneration equivalent to 25,5 hours/21 periods per week.

7. The hours/periods of replacement are remunerated in accordance with the scales laid down in Annex 1 and Annex 2.

Article 32

Leave

Locally recruited teachers shall have the same school holidays as the pupils. However, locally recruited teachers may be invited to be present at the School on the first two days and the last four days of the summer holidays.

Article 33

Sickness and accident

Notwithstanding the provisions regarding payments under the social security scheme applicable according to Article 42 of these Service Regulations, the following provisions apply:

- in the event of their being unable to perform their duties as a result of sickness or accident, locally recruited teachers shall immediately inform the Director thereof;

- a locally recruited teacher shall produce a medical certificate stating the probable period of incapacity, if he/she is absent for more than two days. The Director shall be empowered to check on absences, in particular by referring the person concerned to a medical officer;

- if, over a period of twelve months, a locally recruited teacher is absent for up to two consecutive days because of sickness for a total of more than ten days, he/she shall be required to produce a medical certificate for any further absence because of sickness, whatever the duration.

Article 34

Special leave

To locally recruited teachers the national provisions of the Member State hosting the school concerning special leave (maternity leave, parental leave, adoption leave, etc.) do apply.

Chapter VI

Emoluments

Article 35

Remuneration

1. The pay rates applicable to locally recruited teachers recruited after 31 August 2016 shall be those appearing in the relevant entries in Annex 1.

2. The pay rates applicable to locally recruited teachers recruited before 1 September 2016 shall be those appearing in Annex 2 unless locally recruited teachers concerned opt for the application of Annex 1. In this case the locally recruited teacher will inform the Director in writing within three months after these Service Regulations entered into force.

3. The remuneration of a locally recruited teacher shall be expressed in euro. The amount of remuneration shall be rounded off to the nearest euro cent above.

The remuneration shall be paid to the locally recruited teacher at the place and in the currency of the country where he carries out his duties.

Remuneration paid in a currency other than the euro shall be calculated on the basis of the exchange rate applied for the remuneration of officials of the European Union.

4. A member of staff's remuneration shall be weighted at a rate above, below or equal to 100%, as laid down and adjusted for officials of the European Union.

The amounts laid down in these Regulations correspond to a weighting of 100%.

5. Adjustments of the remuneration of locally recruited teachers shall follow the adjustment made by the Board of Governors to the salaries of seconded staff.

6. The amount of remuneration shall be dependent on

- teaching hours (60 minutes) for nursery and primary cycle teachers

  and

- the number of teaching periods (45 minutes) for secondary cycle teachers.

7. Locally recruited teachers shall receive the remuneration corresponding to the number of weekly hours/periods which they actually teach. In case of school year

teaching contracts the payment of remuneration, expressed on an annual basis, shall be made in twelve monthly instalments on the fifteenth day of each month of the school year, including the months of July and August.

8. Remuneration shall include all forms of bonuses, allowances, holiday or other special payments not expressly granted to locally recruited teachers pursuant to the present Service Regulations. The effect of the application of the legislation of the School's host country, including social security legislation, shall not be to grant any advantage other than the ones to which locally recruited teachers may lay claim pursuant to these Service Regulations.

Article 36

Increments

1. Locally recruited teachers recruited after 31 August 2016 and locally recruited teachers who opt in accordance with Article 35.2 for an application of Annex 1 shall be paid as of 1 September 2016 on a salary scale comprising six steps.

2. Locally recruited teachers recruited after 31 August 2016 shall be placed as of the day of their recruitment on the first step on the salary scale for their teaching category as defined in Article 10 and indicated in Annex 1. For the purposes of calculation of the second step in accordance with paragraph 4 the cumulative duration of previous contracts for a fixed period shall be taken into account.

3. Locally recruited teachers recruited before 1 September 2016, who opt for an application of Annex 1 in accordance with Article 35.2, are placed as of 1 September 2016 on the first step of the scale corresponding to their teaching category as defined in Article 10 and indicated in Annex 1. For the purpose of calculation of the second step in accordance with paragraph 4 their seniority is taken into account as of this date.

4. Locally recruited teachers recruited after 31 August 2016 and those who opt for an application of Annex 1 in accordance with Article 35.2 shall advance to the next step in the scale corresponding to their teaching category every four years on condition that the results of the evaluation carried out in conformity with Article 22 are not negative within the meaning of the applicable implementing guidelines.

5. This four-year progression shall continue until the last step in the teaching category is reached.

Article 37

Removal costs

1. A locally recruited teacher recruited for a minimum period of one year shall, as provided in Article 59 and Article 62 of the Regulations for Seconded Staff Members of the European Schools, be entitled to reimbursement of his removal expenses unless the contract ends within the first 12 months due to circumstances lying in the responsibility of the locally recruited teacher.

2. A locally recruited teacher who changes to another European School in another city following the mobility approach defined in Article 38 will be entitled to the reimbursement of his removal expenses in accordance with Article 62 of the Regulations for Seconded Staff Members of the European Schools.

Article 38

Mobility

1. The mobility of locally recruited teachers is promoted.

2. In case a locally recruited teacher changes the School without interrupting the service, he will keep his step and his contractual rights with the exception of Article 30.

The locally recruited teacher will also keep his seniority with respect to Article 16, 17 and with respect to the progression in his steps in accordance with Article 36.4.

3. The locally recruited teacher changing the School in the frame of this Article signs with his new School a contract similar to the contract with his previous School. The Articles 11 and 14 are not applicable.

Article 39

School fees

For school year teachers a reduction in school fees shall be granted during the period of his/her employment for any of his/her children enrolled in the European Schools. The

reduction shall amount to 7% per weekly hour taught in the nursery and primary cycles and to 5% per weekly period taught in the secondary cycle.

The present Article shall not give entitlement to any compensation in cases where a child of a locally recruited is enrolled in a school other than one of the European Schools.

Article 40

Travel expenses

1. A locally recruited teacher travelling on mission and holding an appropriate travel order shall be entitled to reimbursement of travel expenses in accordance with the provisions laid down in the Regulations for Members of the Seconded Staff of the European Schools.

2. Without prejudice to Article 31.6, the participation in a mission shall not entitle a locally recruited teacher to any further compensation and, in particular, to compensation for overtime.

Article 41

Overpayments

1. Any sum overpaid shall be recovered if the recipient was aware that there was no due reason for the payment or if the fact of the overpayment was patently such that he/she could not have been unaware of it.

2. Where the sum to be recovered exceeds one twelfth of the annual remuneration paid to the locally recruited teacher or under other exceptional circumstances, it may be paid in instalments.

Chapter VII

Social security and taxes

Article 42

Social security and taxes

1. Without prejudice to Article 35.8, locally recruited teachers shall be members of the social security scheme of the School's host country in conformity with the European rules in force in this area. Their remuneration shall be subject to national tax legislation.

2. Locally recruited teachers in post prior to 1 September 1994 shall be entitled to continuation of the social security cover provided for in Article 5 of the 'Conditions of Employment for Part-time Teachers in post before 1 September 1994' (Annex 3).

Chapter VIII

Disciplinary proceedings

Article 43

Misconduct

Any failure by a teacher to comply with his/her obligations under these Service Regulations, whether intentionally or through negligence on his/her part, shall make him/her liable to disciplinary action.

Article 44

Disciplinary body and procedure

1. The Director shall be the sole person competent to initiate disciplinary proceedings against a locally recruited teacher and to order the taking of the relevant disciplinary action.

2. The Director shall be assisted by a person of his/her choice, free from bias in the circumstances of the case, and by a member of the School's 'Locally Recruited Teachers Staff Committee'.

3. Disciplinary proceedings shall start with written notification by the Director to the teacher concerning the facts complained of and must be terminated within six months of the date of notification. In case of a serious or very serious misconduct the Director may immediately suspend the staff member during the disciplinary procedure. The decision that a locally recruited teacher be suspended shall specify whether he is to continue to receive his remuneration or determine what part thereof is to be withheld, which may not be more than half of his salary.

4. The locally recruited teacher charged shall be given a prior opportunity to state his/her views and shall have access to all relevant papers in his/her file. The Director must notify the locally recruited teacher of allegations against him/her within three working days after the time when the allegations became known to the employer, if the teacher is at work, or as soon as it is practically possible. He/She shall have not less

than fifteen days from the date of initiation of proceedings to prepare his/her defence and may be assisted by a defence counsel of his/her choice.

5. All reference in the personal file to disciplinary measures taken in the case of minor misconduct shall be deleted after a period of three years. All reference in the personal file to disciplinary measures taken in the case of serious misconduct may be deleted after a period of six years.

6. An administrative and contentious appeal, referred to in Articles 47 and 48 of these Service Regulations, may be lodged against disciplinary action taken against a teacher.

Article 45

Disciplinary measures

1. The Director shall assess the seriousness of the misconduct, taking account in particular of its object, its intentionality, disruption of the service, damage to the School's reputation and the physical or mental harm caused to pupils.

He/She may take the following disciplinary measures:

- written warning for minor misconduct,
- reprimand for repeated minor misconducts,
- deferment of advancement to a higher step or relegation in step for serious misconduct or repeated minor misconducts or
- termination of the contract in accordance with Article 18 of these Service Regulations for very serious misconduct.

2. A single offence shall not give rise to more than one disciplinary measure.

Article 46

Criminal proceedings

Where a locally recruited teacher is prosecuted for those same acts, disciplinary proceedings shall be suspended until a final verdict has been reached by the court hearing the case.

Article 47

Administrative appeals in disciplinary matters

1. An administrative appeal may be lodged with the Secretary-General against disciplinary action taken against a locally recruited teacher.

2. The administrative appeal must be lodged within one month from the date on which the locally recruited teacher concerned was notified of the disciplinary decision.

3. The Secretary-General shall take a reasoned decision within three months of the lodging of the administrative appeal and shall notify the teacher concerned of this decision.

4. If at the end of the period indicated above, no reply to the administrative appeal has been received, this shall be deemed to constitute an implied decision rejecting it, against which a contentious appeal within the meaning of Article 48 may be lodged.

5. The lodging of an administrative appeal shall not have the effect of suspending enforcement of the disputed act. The Secretary-General may, however, decide on suspension if he/she considers it appropriate.

Article 48

Contentious appeals in disciplinary matters

1. The Complaints Board referred to in Article 27 of the Statute of the European Schools shall have sole jurisdiction in disciplinary matters.

2. A contentious appeal to the Complaints Board shall lie only if an administrative appeal within the meaning of Article 47 has been lodged with the Secretary-General beforehand.

3. The contentious appeal must be lodged within three months of the notification of the decision of the Secretary General referred to in Article 47.3.

4. The Complaints Board must reach a decision within six months of the lodging of the appeal and the appellant must be notified of the decision within fifteen working days thereof.

5. Contentious appeals within the meaning of this article shall be examined and judged subject to the conditions laid down by the Rules of Procedure established by the Complaints Board.

6. Appeals lodged with the Complaints Board shall not have suspensory effect. However, the Complaints Board may, if it considers that the circumstances so require, order that application of the contested act be suspended. Judgments of the Complaints Board shall be final and enforceable.

Chapter IX

Other legal proceedings

Article 49

Internal procedure

1. Without prejudice to the particular provisions of Chapter VIII, any decision under these Service Regulations relating to a specific individual shall be communicated in writing to the locally recruited teacher concerned. Any decision adversely affecting a locally recruited teacher shall state the grounds on which it is based.

2. A locally recruited teacher may submit to the Director a request that he/she take a decision in respect of him/her within three months of submission of the request. If at the end of the aforementioned period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it.

Article 50

Administrative appeal

1. Without prejudice to the particular provisions of Chapter VIII of these Service Regulations, an administrative appeal may be lodged with the Secretary-General against express and implied decisions based on these Service Regulations. The locally recruited teacher concerned may be assisted by a defence counsel of his/her choice.

2. The administrative appeals referred to in paragraph 1 of this article must concern the legality of an act adversely affecting the person concerned.

3. Such appeals must be lodged within one month. The period shall start to run:

- on the date of publication of the act, if it is a measure of a general nature,

- on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification, if the measure affects a specified person.

4. The Secretary-General shall take a reasoned decision within five months of the lodging of the administrative appeal and shall notify the persons concerned of this decision without delay.

5. If at the end of the periods indicated in the preceding paragraphs, no reply to the administrative appeal has been received, this shall be deemed to constitute an implied decision rejecting it, against which a contentious appeal within the meaning of Article 51 of these Service Regulations may be lodged.

6. The lodging of an administrative appeal shall not have the effect of suspending enforcement of the disputed act. The Secretary-General may, however, decide on suspension, if it considers that enforcement of the act would lead to damage or injury impossible or difficult to repair.

Article 51

Recourse to law

1. The Complaints Board shall have sole jurisdiction in any dispute between the School and locally recruited teachers regarding the legality of an act implementing these Service Regulations adversely affecting them.

2. Without prejudice to the particular provisions of Chapter VIII of these Service Regulations, a contentious appeal to the Complaints Board shall lie with it only:

- if an administrative appeal within the meaning of Article 50 of these Regulations has been lodged with the Secretary beforehand

and

- if an express or implied decision rejecting the said administrative appeal has been taken.

3. The contentious appeal must be lodged within three months of the notification or publication of the act which is the subject of the appeal.

4. The Complaints Board must reach a decision and notify this decision to the appellant within a reasonable period of the lodging of the appeal.

5. Contentious appeals within the meaning of this article shall be examined and judged subject to the conditions laid down by the Rules of Procedure established by the Complaints Board.

6. Appeals lodged with the Complaints Board shall not have suspensory effect. However, the Complaints Board may, if it considers that the circumstances so require, order that application of the contested act be suspended. Judgments of the Complaints Board shall be final and enforceable.

7. The time periods mentioned in these Regulations shall be counted from date to date, if they are expressed in months, and in working days, unless otherwise provided, if they are expressed in days. If in the month of the time limit there is no day identical with the one on which the calculation started, it will be understood that the time period expires on the last day of the month. If the last day of the time period falls on a non-working day, the time period will be extended to the first subsequent working day.

8. Without prejudice to paragraphs 1 to 7 of the present Article, disputes concerning civil or criminal liability of the locally recruited teacher or disputes between locally recruited teachers and the national social security or tax administration shall be subject to the jurisdiction of the host country.

Chapter X

Final provisions

Article 52

Final provisions

1. These Service Regulations shall enter into force on 1 September 2016.

2. They shall apply in full from that date to all locally recruited teachers recruited for the 2016-2017 school year. They shall repeal and replace the ‘Conditions of Employment for Part-time Teachers in post before 1 September 1994’, the ‘Conditions of Employment for Part-time Teachers in the European Schools recruited between 1 September 1994 and 31 August 2011’ and the ‘Conditions of Employment for Part-Time Teachers recruited after 31 August 2011’.

3. They shall apply in full to contracts concluded with locally recruited teachers prior to their entry into force, unless they contradict with what is fixed in these contracts.

4. These Service Regulations shall be drawn up in the languages of the host countries of the schools. The text in the language of the school's host country will be authentic in that country.

Annex 1

Salary scales for locally recruited teachers recruited after 31 August 2016[1]

1. Locally recruited teachers shall be paid **€233.51** to **€272.54** per month for **one period** a week in the secondary school and **€145.27** to **€169.54** per month for **one hour** a week in the primary and nursery schools, as set out in the table below.

Cycles	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Secondary	**€233.51**	**€240.84**	**€248.40**	**€256.20**	**€264.24**	**€272,54**
Nursery and Primary	**€145.27**	**€149.83**	**€154.53**	**€159,38**	**€164,38**	**€169,54**

2. Ad interim teacher shall be paid **€52.87** for one period in secondary classes and **€32.90** for **one hour** in primary and nursery classes.

[1] The amounts of remuneration appearing in this Annex are those applicable as of 1 July 2015, as approved by the Board of Governors by written procedure 2016/05. They do not reflect the different weightings used pursuant to Article 35.4 of these Service Regulations.

Annex 2

Salary scales for locally recruited teachers recruited

before 1 September 2016[2]

I. Pay rates laid down in the *'Conditions of Employment for Part-time Teachers in post prior to 1 September 1994"*:

1. Part-time teachers recruited by the Director shall be paid **€3,360.10** per annum for one period a week in secondary classes, and **€2,190.30** per annum for one hour a week in primary and nursery classes.

2. Teachers of religious knowledge nominated by competent nongovernmental Authorities

   Teachers of religious knowledge appointed by competent non-governmental authorities shall be paid on the scale **€3.360.10 to €4.349.85** per annum for one period a week in the secondary school and on the scale **€2.190,30 to €2,767.20** per annum for one hour a week in the primary school, as set out in the table below:

[2] The amounts of remuneration appearing in this Annex are those applicable as of 1 July 2015, as approved by the Board of Governors by written procedure 2016/05. They do not reflect the different weightings used pursuant to Article 35.4 of these Service Regulations.

Cycles	Start	Step 1	Step 2	Step 3	Step 4	Step 5
Secondary	**€3,360.10**	**€3,558.05**	**€3,756.00**	**€3,953.95**	**€4,151.90**	**€4,349.85**
Primary	**€2,190.30**	**€2,305.68**	**€2,421.06**	**€2,536.44**	**€2,651.82**	**€2,767.20**

The scale comprises five increments of €**197,95** for teachers in the secondary section and **€115,38** for teachers in the primary section, to be paid at the end of each two-year period of service. When a teacher of religious knowledge enters employment at a European School he shall be paid the basic salary.

II. Pay rates laid down in the *'Conditions of Employment for Part-time Teachers in the European Schools recruited between 1 September 1994 and 31 August 2011'*

1. Part-time teachers shall be paid **€280.01** per month for one period a week in secondary classes and **€182.52** per month for one hour a week in primary and nursery classes.

2. Teachers of religion shall be paid **€280.01** to **€362.51** per month for one period a week in the secondary school and **€182.52** to **€230.62** per month for one hour a week in the primary and nursery schools, as set out in the table below.

Cycles	Basic	Step 1	Step 2	Step 3	Step 4	Step 5
Secondary	**€280.01**	**€296.51**	**€313.01**	**€329.51**	**€346.01**	**€362.51**
Primary	**€182.52**	**€192.14**	**€201.76**	**€211.38**	**€221.00**	**€230.62**

3. Temporary staff recruited by the Director as substitutes for absent members of the teaching staff shall be paid **€64.55** for one period in secondary classes and **€42.09** for one hour in primary and nursery classes.

III. Pay rates laid down in the *'Conditions of Employment for part-time teachers recruited after 31 August 2011'*

1. Part-time teachers shall be paid **€233.51** per month for one period a week in secondary classes and **€145.27** per month for one hour a week in primary and nursery classes.

2. Teachers of religion shall be paid **€233.51** to **€272.54** per month for one period a week in the secondary school and **€145.27** to **€169.54** per month for one hour a week in the primary and nursery schools, as set out in the table below.

Cycles	Basic	Step 1	Step 2	Step 3	Step 4	Step 5
Secondary	**€233.51**	**€240.84**	**€248.40**	**€256.20**	**€264.24**	**€272.54**
Primary	**€145.27**	**€149.83**	**€154.53**	**€159.38**	**€164.38**	**€169.54**

3. Temporary staff recruited by the Director as substitutes for absent members of the teaching staff shall be paid **€52.87** for one period in secondary classes and **€32.90** for one hour in primary and nursery classes.

Annex 3

Social security cover for locally recruited teachers in post prior to 1 September 1994

Locally recruited teachers in post prior to 1 September 1994 shall be entitled to continuation of the social security cover provided for in Article 5 of the 'Conditions of Employment for Part-time Teachers in post before 1 September 1994', as referred to in Article 38.

Article 5 of the 'Conditions of Employment for Part-time Teachers in post before 1 September 1994' reads as follows:

"5. Social security

The school shall assume full responsibility for contributions to the retirement and pension fund (i.e. both the employer's and the employee's contribution) in accordance with the legal obligations in force in the country where the School is situated.

The part-time teacher may become a member of:

(a) the national health scheme in his country of origin: in this case the Schools shall pay a contribution proportionate to the ratio between the number of hours taught at the European School and the teaching hours specified in Article 36 of the Regulations for Members of the Seconded Staff of the European Schools (RMSSES).

(b) The Sickness Fund set up pursuant to Article 66 RMSSES, provided that appointment of the School is at least on half-time basis: in this case the contribution shall be calculated not on the salary received but on the basis salary which the lecturer would draw if his appointment to the school were on full-time basis; the school shall pay two thirds of the contribution and the part-time teacher the remaining third."