ACER
Agency for the Cooperation of Energy Regulators

DECISION AB N° 21/2012
OF THE ADMINISTRATIVE BOARD
OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS

of 9 October 2012

ON THE IMPLEMENTATION OF TELEWORKING

THE ADMINISTRATIVE BOARD OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing the Agency for the Cooperation of Energy Regulators[1] (hereinafter referred to as the "Agency"), and, in particular, Articles 13(10) and 28(2) thereof,

HAVING REGARD to the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities (hereinafter "CEOS"), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68[2], and, in particular, Article 110 thereof,

HAVING REGARD to the Rules of Procedure of the Administrative Board, laid down by Decision AB No 03/2010 of 6 May 2010, and, in particular, Article 9(2) thereof,

After having consulted the Staff Committee of the Agency and in agreement with the European Commission,

WHEREAS:

(1) Teleworking is part of a modernising trend in organisations which focuses more on result-based management and objective-driven performance and allows greater flexibility for work organisation by making use of new information technology. By helping to balance work and private life, it also contributes to ensure equal opportunities in the Agency.

[1] OJ L211, 14.8.2009, p.1.
[2] OJ L56, 4.3.1968, p.1.

(2) Teleworking benefits teleworkers and, by extension, also the Agency, as it promotes a high degree of autonomy and freedom to manage working time, a better work/life balance, greater empowerment and a reduction in stress, greater motivation leading to better performance and shorter travelling times resulting in less pollution.

(3) Teleworking requires teleworkers to be highly autonomous, to have a sense of responsibility, to be well-organised and to observe deadlines. For the line manager, it also means implementing strict objective-based management, which must be fully understood by the teleworker, as well as developing efficient remote management of teleworkers.

(4) To avoid potential risks such as difficulties with the integration of teleworkers in teams, or problems with document security or IT equipment, the consequences of teleworking for the organisation of work in the departments and the method of evaluating the performance of teleworkers must be given great consideration,

HAS DECIDED AS FOLLOWS:

Article 1

Aim, definition and scope

1. Teleworking is defined as a method of organising and carrying out work using information technology which allows staff members to carry out their duties outside Agency premises.
2. This Decision does not apply to staff working at home after office hours.

Article 2

Staff concerned

1. Teleworking is voluntary.
2. Only Agency staff - including temporary agents, at managerial and executive levels, and contract agents - and staff seconded to the Agency – including seconded national experts - may have access to teleworking.

Article 3

Teleworking capacity

1. Departments and services responsible for operational management may increase teleworking capacity[3] using their own resources to make it more widely available to staff, if this does not adversely affect the interest of the service.
2. If Heads of Departments or Services are unable to accept all the requests they receive, they shall determine an order of priority. As a general rule, priority shall be given to candidates with reduced mobility as a result of disability, those who fulfil criteria relating to the reconciliation of work and private life and those who are working fulltime.
3. Where necessary, the Departments will introduce a system of rotation to ensure that as many members of staff as possible have access to teleworking.

[3] I.e. the availability of equipment to support teleworking.

Article 4

Suitable tasks for teleworking

1. Teleworking is accessible to staff whose duties can be carried out using IT tools as well as to staff whose work require specific concentration.

2. Tasks which require physical presence in the office are clearly unsuitable for teleworking, such as receptionist work, front office secretarial tasks, shift work, receiving the public, working as a driver, security work, etc.

Article 5

Teleworking arrangements

1. Under the so-called **occasional teleworking**, the line manager in agreement with the relevant Head of Department allows staff to telework for a maximum of 45 working days per year, for a maximum of 10 teleworking days in a row. This arrangement may be used when concentration or focus is needed for a specific one-off task or project, in case of specific personal or family problems, or in cases where a member of staff has temporarily lost his or her mobility but is still able to work.

2. For this type of teleworking, staff members must seek the consent of their line manager, who in turn responds in agreement with the relevant Head of Department. Consent shall not be withheld if teleworking does not adversely affect the interests of the service. Consent must be provided in writing or by means of an exchange of e-mails between the applicant and the line manager, prior to the start of the occasional telework. The HR section must be informed by e-mail of the final decision before the start of teleworking. Teleworkers should make the arrangements to ask for remote VPN access in order to be able to perform their tasks from home.

3. If the justification for the application is a loss of mobility lasting more than two weeks, a note from the applicant's doctor certifying that he or she is capable of teleworking must be submitted and a remote VPN access and laptop must be provided by the IT section.

Article 6

Equipment and technical support

1. The IT section will provide all teleworkers with a laptop for teleworking arrangements longer than 2 weeks. Remote VPN access for all teleworkers should also be arranged, unless teleworking is the result of a force majeure. Staff that is already using laptops in the office, have to use the same laptops in case they decide to telework. The remote access to Agency documents will also be provided.

2. The IT services provided to teleworkers may be adjusted according to users' needs, technological developments and available budget.

3. Teleworkers must bear the cost of their internet subscription and of the communication charges incurred while teleworking. The cost of transferring calls from work telephones to teleworkers' private numbers, however, will be borne by the Agency.

Article 7

General provisions

1. Teleworking is not a right and must always take into utmost account the interest of the service. It is compatible with other forms of work organisation such as part-time work.

2. All the provisions of the Staff Regulations or, where applicable, the provisions on seconded national experts[4], continue to apply to teleworkers.

3. Teleworkers must come to the office when required to do so, even at short notice if the interest of the service so requires, at their own expenses and must comply with the rules on leave and absences.

4. Teleworking day will count automatically as a standard 7h30m day, and half a day as 3h45m. No overtime will be registered.

5. Teleworkers must always be reachable by phone during core time (from 9:30 to 12:00 and from 14:00 to 16:00) but may organise their work schedule differently.

6. Teleworkers shall agree on their usual place of work with their line manager and shall inform him or her of any changes. In accordance with the Article 20 of the Staff Regulations the staff will reside in the place where he/she is employed or at no greater distance therefrom as is compatible with the proper performance of his/her duties. Unless otherwise agreed by the line manager and the relevant Head of Department, the place of teleworking will be the same as the place of residence.

7. It is the line manager's responsibility, in agreement with the relevant Head of Department, to decide whether it is in the interest of the service to allow teleworking and to determine how many members of staff in each area of activity may telework at a given time without adversely affecting the service.

Article 8

Termination procedure

The line manager who approved the teleworking, within the meaning of Article 5(2) of this Decision, may also decide to terminate it ahead of time, at the request of the teleworker or in the interest of the service. In exceptional circumstances, an immediate return to normal working conditions may be imposed in the interest of the service.

Article 9

Training and career development

1. Teleworkers shall retain their right to training and their career prospects. Teleworking must not adversely affect the individual's appraisals or assessments. Teleworkers' workload and performance indicators must be the same as those of similar job holders working at Agency premises.

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[4] Decision AB No. 02/2011 Laying down the rules on the secondment of national experts to the Agency for the Cooperation of Energy Regulators.

2. The Agency shall provide teleworkers with information on document security, use of IT equipment, precautions to be taken against damage and theft and other subjects relating to teleworking.

Management will take into account the specifics of objective-based and remote management of teleworking staff.

Article 10

Health and safety

1. Teleworkers shall have the same insurance against accident and occupational disease as staff working at the Agency premises. They shall take out the home insurance required by the law of their country of residence.

They are responsible for ensuring that their home and their home electrical installation comply with the applicable health and safety regulations.

2. Teleworkers shall not subcontract tasks entrusted to them and shall take all necessary precautions to safeguard the confidentiality of the information they handle.

Article 11

Monitoring and evaluation

The Head of Departments and respective line managers shall be responsible for monitoring and implementation of this Decision, with the cooperation of the IT section as concerns the technical aspects.

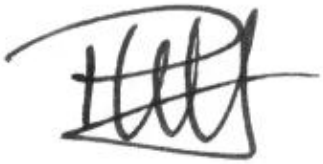
Article 12

Entry into Force

This Decision shall take effect on the day following that of its adoption.

Done in Ljubljana on 9 October 2012

For the Administrative Board:



Piotr Woźniak
Chairman of the ACER Administrative Board