

Promotion system: A step in the right direction

Application of pro rata temporis extended to other grades of 'new StaffRegs' officials

An important milestone has been passed: the administration has agreed to award promotions on the basis of a month-to-month snapshot of the situation of officials in grades AST 1 to AST 4 and AD 5 to AD 8 recruited under the new Staff Regulations.

Brief overview of the promotion system at the Court of Justice

Traditional system	<i>'Pro rata temporis'</i> , System introduced, on an exceptional basis, in 2006, for grades AST1, AST3, AD5 and AD7 and extended, in 2009, to grades AST2, AST4, AD 6 and AD 8
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Reference date; the official's situation is looked at:

on 1st January of the year in question

on 1st of each month during the year in question

Conditions for promotion

i) A minimum of 2 years spent in the grade :

must have been completed by 1st January

is looked at throughout the year

ii) the reference threshold:

must have been reached by 1st January of the year in question

may also be reached in the course of the year, by extrapolating the promotion points (*maximum 2 -2009 update*) awarded for the previous year

Date on which promotion takes effect

In principle, on 1st January of the year in question

on 1st of the month on which the threshold is reached

Why *pro rata temporis*?

There was never really any need for '*pro rata temporis*' under the old Staff Regulations.

'*Pro rata temporis*' was made necessary by the reform of the Staff Regulations (2004), which brought about major changes in the structure of careers; in particular, it:

- (a) increased the number of grades, thus requiring more frequent promotions;
- (b) reduced the number of steps (to 5) and the cumulative value of steps per grade (to 13.14%);
- (c) *abolished carrying forward of seniority in step* at the time of a promotion;
- (d) introduced 'guaranteed rates', a tool which allows equivalence between an average career taking place entirely under the new StaffRegs and an average career taking place entirely under the old StaffRegs.

Measuring time in 'years' was rendered obsolete by the reform of the StaffRegs ⇒

For those officials recruited under the new Staff Regulations, there has been a pressing need, from 2006, to replace the 'yearly' unit with a 'monthly' one. This is what has been done, on our proposal, for grades AST1, AST3, AD5 and AD7.

In 2009, it then became *urgent* to extend this tool to the next grades, for fear of cancelling the benefit of suspending the delays in career obtained to date.

Otherwise the promotion system would collapse; while every promotion system must give rise to promotions, during the current transitory phase the promotion system must allow there to be more promotions from one year to the other. This constraint requires us, if we want to avoid tinkering around, to refine the tools for managing promotions.

Where there is a shortfall, what should be prioritised?

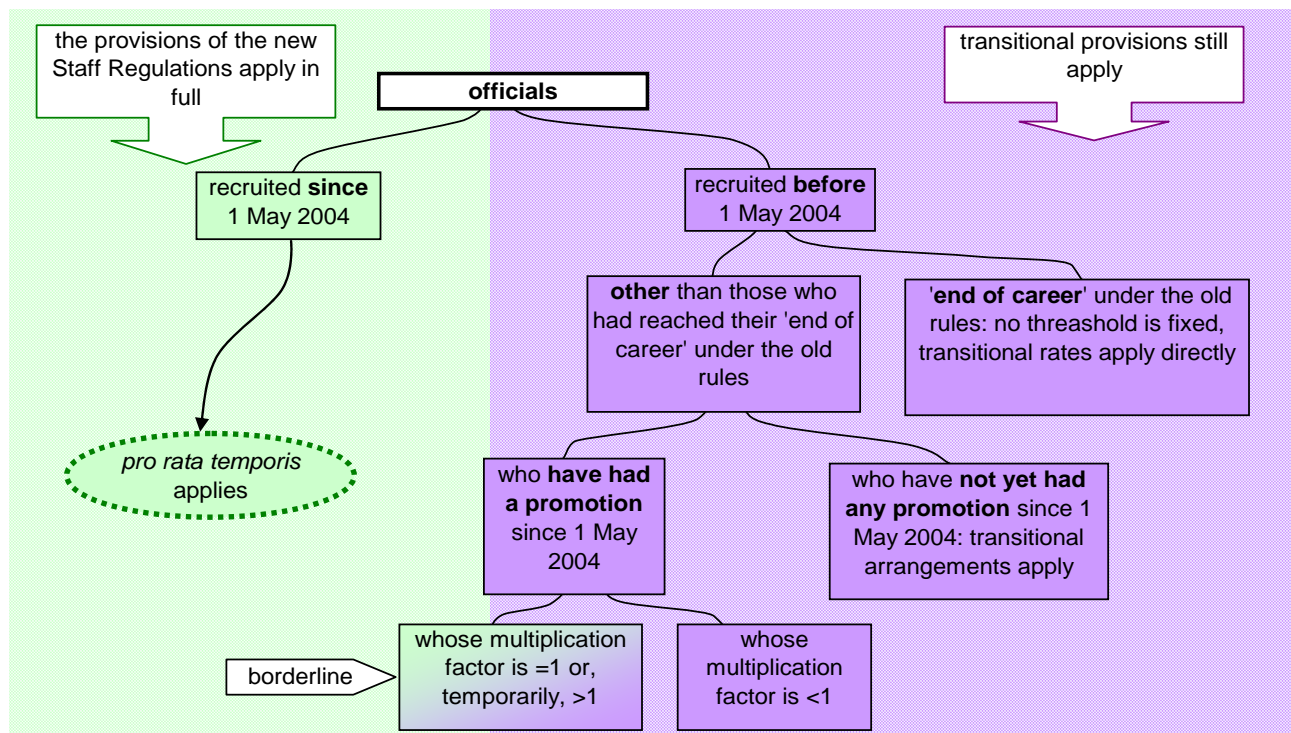
For budgetary reasons, until now and until at least 2010, the application of the guaranteed rates has not been ensured. There is also no guarantee that *pro rata temporis* will be applied to officials recruited under the new Staff Regulations for *all* the months of the year.

Through figures and graphs which have not been disproved, EPSU has shown that there is a widening gap between a career begun under the new Staff Regulations and one begun under the old.

☑ Let us add that this gap is attributable less to the 'new' officials' losses and more to the gains of the 'old', by reference to a career which has taken place entirely under the old rules.

In addition, the figures for 2005-2008 show:

- for officials recruited under the new StaffRegs, an overall under-utilisation of the guaranteed rates; without – partial – application of *pro rata temporis*, that would have been catastrophic;
- for officials recruited under the old StaffRegs, an overall over-utilisation of the rates applicable to them.



Whilst the extension of *pro rata temporis* to officials recruited under the old StaffRegs who have exhausted the advantages of the transitional phase is justified in principle, it is not as urgent as for officials recruited under the new StaffRegs, whose factual and legal situation can be distinguished sufficiently clearly to justify different treatment from those officials recruited under the old StaffRegs.

☑ EPSU bases its choices on **solidarity between generations**; and it persists in its belief that colleagues who show solidarity 'are not dupes' ...