

Law 23/2011 of 20 May 2011

Approving the Statute governing Parliamentary Staff

In accordance with Article 161(c) of the Constitution the Assembly of the Republic hereby decrees the following:

Article 1

Object

The Statute governing Parliamentary Staff attached in annexe to the present Law, of which it forms an integral part, is hereby approved.

Article 2

Observance of budgetary restraint

While Law no. 55-A/2010 of 31 December 2010 (State Budget for 2011) and the other applicable provisions in matters of budgetary restraint are in force, the present Statute may not give rise to any increase in costs for the Budget of the Assembly of the Republic.

Article 3

Entry into force

The present Law shall enter into force on the day following its publication.

Passed on 6 April 2011.

The President of the Assembly of the Republic, *Jaime Gama*.

Enacted on 9 May 2011.

Let it be published.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned on 10 May 2011.

The Prime Minister, *José Sócrates Carvalho Pinto de Sousa*.

ANNEXE

STATUTE GOVERNING PARLIAMENTARY STAFF

CHAPTER I

Scope

Article 1

Scope of application

1 — The present Statute, having regard to the specific nature and operating conditions of the Assembly of the Republic, is applicable to Assembly of the Republic staff and the other workers who, regardless of the form of legal bond and of the formation of a legal employment relationship, exercise functions in the organs, departments and services of the Assembly of the Republic.

2 — The present Statute is also applicable, *mutatis mutandis*, to the staff of the Cabinets of the President, Vice-Presidents and Secretary-General of the Assembly of the Republic.

CHAPTER II

Duties and rights

Article 2

General duties

Parliamentary staff have the following general duties:

a) The duty to pursue the public interest, which consists of defending it, with respect for the Constitution, the laws and citizens' legally protected rights and interests;

- b) The duty of disinterestedness, which consists of not taking direct or indirect, monetary or other advantage from the functions they exercise for themselves or for third parties;
- c) The duty of impartiality, which consists of performing their functions even-handedly in relation to the interests they are faced with, without discriminating positively or negatively towards any of them, from a perspective of respect for equality between political forces and between citizens;
- d) The duty of loyalty, which consists of performing their functions in subservience to the objectives of the organ, department or service;
- e) The duties of assiduity and punctuality, which consist of reporting for work regularly and continuously in accordance with the current regulations;
- f) The duty of diligence, which consists of understanding and applying legal and regulatory norms and the orders and instructions of their hierarchical superiors, and exercising their functions in accordance with the objectives that are set and using the competencies that are deemed appropriate;
- g) The duty of obedience, which consists of obeying and fulfilling the orders of their legitimate hierarchical superiors, when given in the interests of the service and in the form laid down by law;
- h) The duty of courtesy, which consists of treating Members of the Assembly of the Republic and other political officeholders, hierarchical superiors and colleagues, members of the security forces and the staff of the parliamentary groups, other workers and the general public with respect and civility;
- i) The duty of information, which consists of providing citizens, in accordance with legal and statutory provisions, with the information they request, save only that information which must not be disclosed under the terms of those provisions;
- j) The duty to comply with the norms governing health, hygiene and safety at work.

Article 3

Special duties

1 — Parliamentary staff have the following special duties:

- a) The duty of political neutrality, which consists of not giving, in the exercise of their functions, any indication of a party-political option or preference for any legislative policy solution, and not engaging in acts or omissions that in any way favour or prejudice a political position to the detriment or advantage of another or others;
- b) The duty of professional secrecy with regard to all the facts and information of which they can only have had knowledge in the exercise or as a result of the exercise of their functions;
- c) The duty of professional confidentiality, which consists of the prohibition on supplying any non-public information or document regarding the work of the Assembly of the Republic without prior authorisation by higher authority;
- d) The duty of permanent availability, which consists of completely fulfilling the duties derived from the special labour regime, ensuring at all times the pursuit of the tasks needed for parliamentary activities to function appropriately;
- e) The duty to contribute to the dignification of the Assembly of the Republic;
- f) The duty to assiduously participate in the training actions provided to them by the Assembly of the Republic as a means of strengthening and improving their professional capacitation;
- g) The duty of compliance with the regime set out in Chapter III of the present Statute, governing disqualifications and accumulations of functions that prove likely to compromise or interfere with the duties by which staff are bound.

2 — The duties of professional secrecy and confidentiality shall cease when what is at stake is the staff member's defence in disciplinary or legal proceedings, and only in matters related to the respective proceedings.

3 — Parliamentary staff shall continue to be under the duties of professional secrecy and confidentiality during the suspension of, or after they have ceased to exercise, their functions.

Article 4

Professional rights

1 — Without prejudice to the provisions of general law, and having regard to the specific character of the professional activities of parliamentary staff, as derived from the nature and particular operating conditions of the Assembly of the Republic, parliamentary staff are guaranteed the following rights:

- a) To perform the functions inherent in the career in which they are incorporated and the category they hold;
- b) To the remuneration corresponding to the career and category, in accordance with their capacity, experience, performance evaluation and length of service;
- c) To respect for their professional and personal dignity;
- d) To continuing enhancement of their professional capacitation, through an appropriate specific training system, as ensured by access to internal and external training actions;
- e) To perform their functions under safe and hygienic conditions;
- f) To the prevention of illness, through the performance of periodic medical examinations and by ensuring that their functions are suited to their state of health;
- g) To protection during illness, for themselves and their families, in accordance with the legislation applicable to parliamentary staff who exercise public functions;
- h) To a social protection system, for themselves and their families, particularly encompassing civil service or private sector retirement, survivor's, invalidity and military death pensions and other forms of social assistance and support;
- i) To an annual period of paid holiday, with payment of the remuneration to which they would be entitled if they were effectively working, with the exception of the meal allowance;
- j) To other rights provided for in the Constitution, the law and the present Statute.

2 — Parliamentary staff also have the right:

- a) To freely create trade unions or other forms of association;
- b) To collective bargaining, to be conducted through their trade union organisations;
- c) To participation, through their representative organisations, in all matters related to working conditions, particularly the

implementation of measures regarding hygiene, health and safety conditions at work and the definition of the training and professional development policy;

d) To the election of a representative on the Board of Administration for each legislature.

3 — Retired parliamentary staff have the right to a card that provides access to the premises of the Assembly of the Republic, under terms to be defined in the Access Regulations.

CHAPTER III

Guarantees of impartiality and disinterestedness

Article 5

General principle

Functions at the Assembly of the Republic shall be exercised under a regime that requires exclusivity, and the said exercise is incompatible with any public or private office, function or activity that might affect the disinterestedness and independence of the parliamentary staff member and his complete fulfilment of the duties laid down in the present Statute.

Article 6

Accumulation with other public functions

1 — Exceptionally, the exercise of functions at the Assembly of the Republic may be accumulated with that of other public functions when the latter are not remunerated and there is manifest public interest in that accumulation.

2 — When they are remunerated and there is manifest public interest in the accumulation, the exercise of other public functions may be authorised, but only in the following cases:

a) Ex officio functions;

b) Representation activities;

c) Higher education teaching activities or research activities, without prejudice to complete fulfilment of the working week and provided that it does not overlap with the working schedule inherent in the main function by more than one third;

d) The holding of conferences, lectures, short-duration training actions and other activities of the same nature.

3 — Parliamentary staff may be designated to take part in national or international committees and working groups.

Article 7

Accumulation with private functions

1 — The exercise of functions at the Assembly of the Republic may only be accumulated with private activities in accordance with the following paragraphs.

2 — Be they remunerated or not, and be they undertaken personally or through an intermediary, no parliamentary staff member may accumulate private functions or activities under autonomous or subordinate working regimes that compete with or are similar to, and conflict with, the parliamentary functions he performs, thereby undermining the duties laid down in this Statute.

3 — The provisions of the previous paragraph particularly apply to functions or activities whose content is identical to that of the functions he performs, are undertaken permanently or habitually and are directed at the same circle of recipients.

4 — Be they remunerated or not, and be they undertaken under an autonomous or a subordinate working regime, nor may a parliamentary staff member or an intermediary accumulate private functions or activities that:

a) The law deems incompatible with parliamentary functions;

b) Are undertaken under a schedule that overlaps, even partially, with that of his parliamentary functions;

c) Compromise the disinterestedness and impartiality required for the performance of his parliamentary work;

d) Prejudice the public interest or citizens' legally protected rights and interests.

Article 8

Authorisation of accumulation of functions

1 — The accumulation of functions in the cases provided for in the previous Articles shall be dependent on authorisation by the Secretary-General of the Assembly of the Republic.

2 — The order authorising or refusing accumulation must always be duly substantiated.

3 — Requests submitted for this purpose must contain:

a) The place where the function or activity that is to be accumulated will be exercised;

b) The schedule under which the function or activity is to be exercised;

c) The remuneration that is to be received, when applicable;

d) Whether the work that is to be done is of an autonomous or a subordinate nature, and the respective content;

e) The reasons why the applicant believes that the accumulation is of manifest public interest or does not fall foul of the provisions of subparagraphs (4)(a) and (d) of the previous Article, as applicable;

f) The reasons why the applicant believes there is no conflict with the functions he performs, namely because the functions that are to be accumulated do not possess the characteristics referred to in paragraphs (2), (3) and subparagraph (4)(c) of the previous Article;

g) The undertaking to immediately cease the accumulated function or activity in the case of a supervening conflict.

4 — The senior officials to whom parliamentary staff report directly shall, on pain of termination of their secondment, verify whether unauthorised situations involving the accumulation of functions exist, and shall in general monitor the strict observance of the guarantees of impartiality in the performance of parliamentary functions.

Article 9

Disqualifications

Parliamentary staff are also precluded from exercising functions in the offices of parliamentary groups in any capacity.

Article 10

Interest in proceedings

1 — Parliamentary staff may not:

a) Either personally or through an intermediary, on an employed or a self-employed basis, and under an autonomous or a subordinate working regime, provide third parties with services in connection with the study, preparation or financing of projects, applications or requests that are to be submitted to the organs, departments or services of the Assembly of the Republic for consideration or decision;

b) Personally and improperly benefit from acts or be a party to contracts when they have intervened or participated in the respective formation process;

c) Act as legal counsel in civil actions against the Assembly of the Republic in any jurisdiction.

2 — The following interests are equivalent to the interest of a parliamentary staff member as defined in the previous paragraph:

a) That of his spouse, when not separated from bed and board, his ascendants and descendants of any degree, collateral relatives to the second degree, and any person cohabiting with him under the conditions set out in Article 2020 of the Civil Code;

b) That of any company in whose share capital he directly or indirectly holds a stake of not less than ten per cent, either on his own behalf or jointly with the persons referred to in the previous subparagraph.

3 — For the purposes of the provisions of the Code of Administrative Procedure, parliamentary staff must notify their hierarchical superior of the existence of any of the situations referred to in the previous paragraph, before decisions, acts or contracts referred to in paragraph (1) are taken, undertaken or entered into.

Article 11

Breach of duties

The provisions of the Disciplinary Statute governing Workers who Exercise Public Functions apply to breaches of the duties referred to in the present Chapter.

CHAPTER IV

Formation of the legal parliamentary employment relationship

Article 12

Requisites

Formation of the legal parliamentary employment relationship shall be dependent on meeting the following requisites:

a) Portuguese nationality, when not waived by the Constitution, international convention or special law;

b) The absence of any ban on the exercise of public functions and of any prohibition on the exercise of those that it is proposed should be performed;

c) The physical fitness and psychological profile that are indispensable to the exercise of functions at the Assembly of the Republic;

d) Other requisites provided for in general law.

Article 13

Nature of the parliamentary employment relationship

1 — The parliamentary employment relationship shall be formed by entering into a parliamentary labour contract, to result from the recruitment and selection process provided for in Chapter VIII of the present Statute.

2 — Following success in a competitive appointment procedure, the parliamentary labour contract shall be for an indefinite period and shall be made in writing.

3 — The parliamentary employment relationship shall be formed under a secondment regime when it refers to:

a) The exercise of senior offices, under the terms provided for in the Law governing the Organisation and Modus Operandi of the Departments and Services of the Assembly of the Republic (LOFAR);

b) Functions which, under the terms of this Statute, may only be exercised under that regime.

4 — The parliamentary labour contract shall comply with the official model to be approved by order of the Secretary-General and published on the Assembly of the Republic website, and shall particularly contain:

a) The career and category for which it is entered into and the respective functional content, with attachment of the corresponding part of Annexe I to the present Statute;

b) The remuneration, by referral to Annexe II to the present Statute;

c) The date on which the activity is to begin;

d) The date on which the contract is entered into.

CHAPTER V

Mobility and assignment in the public interest

Article 14

Assignment in the public interest

1 — An agreement for an assignment in the public interest shall be entered into when a worker or member of staff of a public or private entity is required to exercise functions at the Assembly of the Republic and, conversely, when a parliamentary staff member is required to exercise functions at an entity other than the Assembly of the Republic.

2 — Without prejudice to the provisions of Article 181 of the Constitution, an agreement for assignment in the public interest with a worker or member of staff of a public or private entity who is required to exercise functions at the Assembly of the Republic may only be entered into in duly substantiated cases and when it is not possible to resort to another form of recruitment.

3 — Regardless of the nature of the entity concerned, assignment of a parliamentary staff member may only take place in exceptional, duly substantiated cases and when the needs of the department or service in which he exercises functions permit it, shall presuppose the agreement of both the entity at which he is to exercise functions and the parliamentary staff member, and shall imply suspension of the application of this Statute.

4 — The assigned parliamentary staff member has the right:

a) That the time spent serving under the assignment regime count in his category and career of origin;

b) To choose to remain in his original social protection system, with the deductions applicable to the amount of the remuneration that would have been his in his category and career of origin;

c) To be a candidate in the competitive appointment procedures at the Assembly of the Republic for which he fulfils the legal requisites;

d) To take up his post at the Assembly of the Republic after the assignment.

5 — The Secretary-General has the competence to assign parliamentary staff, after first obtaining a favourable opinion from the Board of Administration.

6 — In the case of the assignment of a worker or member of staff from another public or private entity to exercise functions at the Assembly of the Republic, the agreement shall presuppose prior authorisation by the President of the Assembly of the Republic, after first obtaining a favourable opinion from the Board of Administration, upon a proposal from the Secretary-General.

7 — Assignment in the public interest to exercise functions at the Assembly of the Republic shall not be dependent on the agreement of the entity of origin, and shall subject the worker or staff member to the superintendence of the Secretary-General and to the orders and instructions of the head of the department or service in which he is to exercise his activity, with remuneration in accordance with the normative provisions applicable to the exercise of functions at the Assembly of the Republic.

8 — Behaviour by the assigned worker or staff member that indicates commission of a disciplinary offence shall result in termination of the assignment agreement and the sending of the respective report or complaint to the entity of origin for the disciplinary purposes derived from its own statute.

9 — A worker or staff member assigned to the Assembly of the Republic has the right

a) That the time spent serving under the assignment regime count in his category and career of origin;

b) To choose to remain in his original social protection system, with the deductions applicable to the amount of the remuneration that would have been his in his category and career of origin.

10 — The agreement may be terminated at any time at the initiative of either of the parties to it, by giving thirty days' prior notice.

11 — The functions to be exercised at the Assembly of the Republic shall correspond to an office or category that is provided for on the staff chart, and the same academic and professional qualifications as those for parliamentary staff shall be required.

12 — The maximum duration of an agreement for assignment in the public interest to exercise functions at the Assembly of the Republic shall be that of the legislature, except when entered into in order to exercise a senior office, in which case the duration shall be that of the secondment.

13 — In the case provided for in subparagraph (9)(b), the entity of origin shall, under terms to be agreed, contribute:

a) To the financing of the social protection scheme applicable in the concrete case in question, with the amount the law lays down as the employer's contribution;

b) Where applicable, the costs derived from private health subsystems, provided that this is required by the applicable law.

14 — Unless otherwise agreed, work in a situation involving assignment in the public interest shall be remunerated by the entity at which the worker is to exercise functions.

Article 15

Internal mobility

1 — When the economy, efficacy and efficiency of the departments and services of the Assembly of the Republic require it, it shall be possible to resort to the internal mobility of parliamentary staff.

2 — Internal mobility shall be shall always be duly substantiated, shall operate within the departments and services of the Assembly of the Republic, and may only exceptionally take place before three years of effective service have passed.

3 — For the purposes of evaluating the criteria defined in paragraph (1), at the end of each legislative session the heads of the departments and services of the Assembly of the Republic shall submit their department or service's needs for human resources to the Secretary-General, and these needs shall be publicised on AR@net.

4 — Mobility shall be dependent on possession by the staff member of appropriate qualifications and on provision for the post on the staff chart.

5 — The Secretary-General has the competence to order mobility, after first consulting both the department or service of origin and that of destination, and after first obtaining the staff member's agreement.

6 — Internal mobility is the only mobility regime applicable to parliamentary staff.

Article 16

Duration of internal mobility

The maximum duration of internal mobility situations shall be that of the legislature, and they shall automatically terminate at

the end thereof.

Article 17

Consolidation of internal mobility

1 — Internal mobility may be consolidated by duly substantiated decision of the Secretary-General, at the request of the parliamentary staff member.

2 — The consolidation referred to in the previous paragraph shall be dependent on obtaining three performance evaluation classifications of Good during the exercise of functions under internal mobility.

Article 18

Performance evaluation and length of service in cases of assignment in the public interest and internal mobility

1 — The classification obtained in the performance evaluation and the time spent exercising functions in a career and category that are derived from situations involving assignment in the public interest and internal mobility of a parliamentary staff member shall refer to his situation of origin.

2 — In the case provided for in the previous Article, the performance evaluation and length of service shall count in the category in which the consolidation took place.

CHAPTER VI

Career regime

Article 19

General principles

1 — Parliamentary staff constitute a special and permanent body and shall exercise their functions while incorporated into the special careers provided for in the present Statute.

2 — Special parliamentary careers are multi-category.

3 — Entry into the special careers of the Assembly of the Republic shall be at the first remuneratory scale point in the respective base categories.

4 — Exceptionally, when what are at stake are highly complex or technically specific functions that require prior exercise under conditions similar to those that may be necessary at the Assembly of the Republic, individuals who possess academic qualifications and professional qualifications and experience equal to or greater than those normally required for that category and remuneratory scale point may be recruited by competitive appointment procedure to fill a post at a remuneratory scale point above the entry point in the base category of the corresponding parliamentary career.

5 — The recruitment referred to in the previous paragraph may only occur when what are at stake are permanent needs of the Assembly of the Republic.

6 — The characterisation of the special careers and the categories into which they are broken down, and the respective functional contents, the levels of functional complexity, and the number of remuneratory scale points in each category shall be those set out in Annexes I and II to the present Statute, of which the Annexes form an integral part.

Article 20

Special careers

1 — The special parliamentary careers are as follows:

- a) Parliamentary advisor;
- b) Parliamentary support officer (technical);
- c) Parliamentary operations assistant.

2 — The parliamentary advisor career corresponds to complexity level 3, that of parliamentary support officer (technical) to complexity level 2, and that of parliamentary operations assistant to complexity level 1.

3 — For incorporation into the complexity level-1 career, candidates are required to have completed the compulsory education applicable to their age, which may be complemented by appropriate training.

4 — For incorporation into the complexity level-2 career, candidates are required to have completed the twelfth grade or an equivalent course, plus a specific training course.

5 — For incorporation into the complexity level-3 career, candidates are required to possess a pre-Bologna Process licentiate degree or a 2nd cycle Bologna degree.

Article 21

Access to higher categories

1 — Provision for the existence of posts in the higher categories of the parliamentary advisor and parliamentary support officer (technical) careers on the staff chart to be approved with the Budget of the Assembly of the Republic shall be dependent on a duly substantiated proposal from the Secretary-General with regard to their financial impact.

2 — The number of posts in the parliamentary operations supervisor category of the parliamentary operations assistant career shall be set annually in the staff chart, and may not be less than three.

Article 22

Parliamentary advisor career

1 — The parliamentary advisor career contains two categories: that of parliamentary advisor and that of senior parliamentary advisor.

2 — The parliamentary advisor category contains ten remuneratory scale points and that of senior parliamentary advisor contains five remuneratory scale points.

Article 23

Access to the senior parliamentary advisor category

1 — Access to the senior parliamentary advisor category shall be by competitive appointment procedure.

2 — Parliamentary advisors who are positioned at at least the sixth remuneratory scale point and have received a positive performance evaluation of the performance of their functions at the Assembly of the Republic over the previous ten years may apply for the category of senior parliamentary advisor.

3 — Parliamentary advisors who are positioned at the tenth remuneratory scale point and are promoted to the senior parliamentary advisor category shall be placed at the second remuneratory scale point of the latter category.

Article 24

Parliamentary support officer (technical) career

1 — The parliamentary support officer (technical) career contains two categories: that of parliamentary support officer and that of parliamentary support coordinator.

2 — The parliamentary support officer category contains nine remuneratory scale points and that of parliamentary support coordinator contains four points.

Article 25

Access to the parliamentary support coordinator category

1 — Access to the parliamentary support coordinator category shall be by competitive appointment procedure.

2 — Parliamentary support officers who are positioned at at least the sixth remuneratory scale point and have received a positive performance evaluation of the performance of their functions at the Assembly of the Republic over the previous ten years may apply for the category of parliamentary support coordinator.

Article 26

Parliamentary operations assistant career

1 — The parliamentary operations assistant career contains two categories: that of parliamentary operations assistant and that of parliamentary operations supervisor.

2 — The parliamentary operations assistant category contains eight remuneratory scale points and that of parliamentary operations supervisor contains three remuneratory scale points.

Article 27

Parliamentary operations supervisor category

1 — Functions in the parliamentary operations supervisor category shall be exercised under a secondment regime, for a renewable period of five years, from among parliamentary operations assistants with a positive evaluation of the performance of their functions at the Assembly of the Republic over the previous five years.

2 — Parliamentary operations supervisors shall be remunerated at the remuneratory scale point of the category immediately above that at which they are positioned in the parliamentary operations assistant category, if the latter is more favourable.

3 — At the end of the secondment, the parliamentary operations supervisor shall return to his category of origin, and the time for which he has exercised functions in the parliamentary operations supervisor category shall count for the purposes of his positioning on the remuneratory scale.

Article 28

Coordinator of the Parliament Channel Support Centre

1 — The functions of Coordinator of the Parliament Channel Support Centre (CACP) shall be exercised under a secondment regime, for a renewable period of three years, from among parliamentary staff in the parliamentary advisor career.

2 — The exercise of these functions shall be remunerated at the remuneratory scale point immediately above that at which the Coordinator was positioned in his category of origin.

3 — At the end of the secondment as CACP Coordinator, the parliamentary staff member shall return to his category of origin, and the time for which he has exercised those functions shall count for that purpose.

CHAPTER VII

Positioning on the remuneratory scale

Article 29

Change of positioning on the remuneratory scale: General rule

1 — There shall be a mandatory move to the remuneratory scale point immediately above that on which the parliamentary staff member is positioned when, since his last change of positioning on the remuneratory scale, he has accumulated eight points in performance evaluations of the functions he exercises.

2 — The points referred to in the previous paragraph shall be counted as follows:

- a) Three points for each classification of Very Good;
- b) Two points for each classification of Good;
- b) One point for each classification of Fair;
- d) One minus point for each classification of Poor.

3 — The change in positioning on the remuneratory scale shall take effect from 1 January in the year in which it occurs.

Article 30

Change of positioning on the remuneratory scale for senior officials in the category of origin

1 — The continuous exercise of senior office for periods of three years on secondment, in an acting or current management capacity, shall give the officeholder the right to move to the next highest remuneratory scale point or points in the respective category of origin, with one move corresponding to each period for which the functions are exercised.

2 — When, during the exercise of the senior office, there is a change of positioning on the remuneratory scale of the category of origin because all the requisites for the purposes of the previous Article are met, only the time during which the office is exercised after such changes shall be considered for the purposes of paragraph (1).

3 — When there is a change of category in the career, the time during which senior offices are exercised that was taken into account in the procedure that resulted in that change shall not count in the calculation of the periods referred to in paragraph (1).

4 — The right to a change of positioning on the remuneratory scale shall be recognised, at the interested party's request, by order of the Secretary-General, following confirmation by the department or service with responsibility for managing human resources that the requisites provided for in this Article have been met.

CHAPTER VIII

Recruitment

Article 31

Recruitment

1 — Non-senior staff of the Assembly of the Republic shall be recruited and selected by competitive appointment procedure.

2 — After first obtaining an opinion from the Board of Administration and within the applicable legal framework, the Secretary-General may authorise the recruitment of the parliamentary staff needed to fill the posts that are essential to the pursuit of the activities of the departments and services of the Assembly of the Republic, on condition that they are provided for in the staff chart approved in the Budget of the Assembly of the Republic.

3 — Whenever necessary, the competitive appointment procedure shall specify the specialist area of the post that is to be filled.

4 — The Secretary-General of the Assembly of the Republic shall appoint the occupants of non-senior staff posts, following entry into a parliamentary labour contract.

5 — The filling of posts under a fixed-term labour contract regime shall also be preceded by a competitive appointment procedure in the following cases:

- a) To fulfil departments and services' urgent operational requirements;
- b) To substitute for a parliamentary staff member who is absent or who, for whatever reason, is temporarily prevented from serving;
- c) To substitute for a parliamentary staff member on unpaid leave;
- d) To perform an occasional task or specific service that is clearly defined and not of a lasting nature;
- e) To exercise functions in temporary organisational structures;
- f) To meet an exceptional and temporary increase in the departments and services' workload;
- g) To develop and implement projects that do not form part of the departments and services' normal activities;
- h) When what are at stake are personnel needs of bodies that operate under the aegis of the Assembly of the Republic.

6 — In the cases of subparagraphs (a) and (e) of the previous paragraph, the duration of the contract, including renewals, may not exceed one legislature.

7 — For the purposes of subparagraph (5)(b), the following in particular are deemed absent:

- a) Parliamentary staff in a situation involving assignment in the parliamentary public interest;
- b) Parliamentary staff on secondment within the departments and services of the Assembly of the Republic or outside it;
- c) Parliamentary staff who are exercising functions in another career, category or organ, department or service during the trial period.

Article 32

General recruitment principles

The recruitment processes for filling posts at the Assembly of the Republic shall comply with the following principles:

- a) Freedom to apply;
- b) Equal conditions and opportunities for all candidates;
- c) Neutrality of the composition of the appointment panel;
- d) Application of objective evaluation methods and criteria;
- e) Prior disclosure of the selection methods, final classification system and knowledge test programmes, when their application

is required;

- f) Right of challenge and appeal.

Article 33

Requirement for a level of qualifications

1 — Only persons who possess the level of qualifications that corresponds to the level of functional complexity of the career categories which the announcement publicising the competitive appointment procedure is intended to fill may be candidates under that procedure.

2 — Exceptionally, the announcement publicising the procedure may provide for the possibility of applications from those persons who, although they do not possess the required qualifications, do possess the professional experience and training that is necessary and sufficient to substitute for those qualifications, having regard to the functional content of the post that is to be filled.

3 — Substitution of qualifications in accordance with the previous paragraph shall not be admissible when the law requires a formal qualification or the fulfilment of certain conditions in order to exercise a certain profession or function that is implied in the characterisation of the posts in question.

4 — In the case envisaged in paragraph (2), the appointment panel shall first analyse the candidate's professional experience and training and validate his admission to the competitive appointment procedure.

5 — Candidates who possess a licentiate degree different from that required in an announcement of a competitive appointment procedure for the parliamentary advisor career may be admitted to that procedure, provided that that degree is recognised by the Portuguese State and its curriculum includes the specialist area of the post that is to be filled. To this end the appointment panel shall draw up minutes recording the grounds in fact and in law for its decision to admit or exclude the candidate.

6 — In competitive appointment procedures for the base categories of special careers of the Assembly of the Republic, in cases in which candidates possess academic qualifications higher than those required, that fact may not in its own right count towards the candidate's success in the competitive appointment procedure, nor may it be invoked as grounds for appeal.

Article 34

Other requisites for recruitment

1 — The following may be candidates in the procedure for the entry-level category of the special careers of the Assembly of the Republic:

- a) Parliamentary staff who are incorporated into other careers;
- b) Workers who exercise offices on secondment to the Assembly of the Republic or who are subject to other legal public employment relationships, be it for an indefinite, fixed or determinable period;
- c) Individuals without a prior legal public employment relationship, provided that this is legally admissible in the case in question.

2 — Parliamentary staff who are incorporated into the lower category of the same career may be candidates in the procedure for the higher category of the special careers of the Assembly of the Republic.

Article 35

Selection methods

1 — The competitive appointment procedure to fill a post that corresponds to an entry category shall obligatorily include the following selection methods:

- a) Written knowledge test;
- b) Psychological evaluation;
- c) Written and oral test of English or another language deemed appropriate in the initial announcement;
- d) IT literacy test;
- e) Interview to evaluate the competencies required to exercise the functions.

2 — The selection methods in a competitive appointment procedure for a higher category shall include the following:

- a) Knowledge test or public discussion of a paper on a topic relevant to exercise of the functions, to be of an eliminatory nature;
- b) Curriculum vitae evaluation;
- c) Competency evaluation interview.

3 — The selection methods used to fill posts under a date-limited or event-limited contractual regime shall be as follows:

- a) Curriculum vitae evaluation, to be of an eliminatory nature;
- b) Evaluation interview, including oral knowledge test.

4 — In the procedures referred to in the previous paragraphs, other selection methods provided for by law may also be adopted in the initial announcement.

5 — The selection methods provided for in this Article shall be of an eliminatory nature and the respective level of requirement shall be defined in the initial announcement of the competitive appointment procedure, in accordance with the provisions of regulations to be approved.

Article 36

Reserved posts

1 — In competitive appointment procedures to fill at least two posts that correspond to the entry category of multi-category parliamentary careers, the Secretary-General may authorise that a quota of not more than twenty-five per cent be reserved to parliamentary staff who are successful in the procedure.

2 — If, when calculating the percentage defined in the previous paragraph, the said fraction is equal to or greater than five

tenths, the number of posts shall correspond to the next highest whole number.

3 — Candidates who obtain a final classification of less than fourteen points shall not benefit from the quota referred to in the present Article.

Article 37

Positioning on the remuneratory scale in higher categories

Following a competitive appointment procedure for a higher category, the candidate shall be positioned at the first remuneratory scale point in that category, save if it corresponds to the remuneratory positioning he already holds, in which case he shall be positioned at the next highest scale point.

Article 38

Regime governing the details of competitive appointment procedures

The regime governing the details of competitive appointment procedures shall be laid down in regulations to be approved.

CHAPTER IX

Trial period

Article 39

Notion and objectives

1 — On conclusion of a competitive appointment recruitment procedure, successful candidates shall enter into a parliamentary labour contract under a trial internship regime, the purpose of which shall be to use the trial period format to prove whether the intern possesses the competencies and profile required for the post he is to fill.

2 — The objectives of the trial period also include the intern's preparation and theoretical and practical training for the effective and competent pursuit of the functions of parliamentary staff member, together with the evaluation of his suitability for and capacity to adapt to service at the Assembly of the Republic.

3 — The trial period in parliamentary careers shall be for a duration of eighteen months, and may not be totally or partially waived, save in the cases provided for in Article 45.

4 — The internship plan shall include:

a) An initial theoretical and practical training phase with a duration of six months, to include attendance at a specific training course on the performance of functions at the Assembly of the Republic;

b) A second, practical stage with a duration of twelve months, to involve working in different parliamentary departments.

5 — The trial period shall begin on the start date stipulated in the contract, and shall be extended by any days of absence, even if justified, and leave periods.

Article 40

Supervision and evaluation of internship

1 — During the trial period, the intern shall be monitored by a supervisor appointed for the purpose.

2 — The competence to make the final evaluation shall pertain to the head of the organisational unit or subunit in which the intern was placed, and to the respective supervisor.

3 — The final evaluation shall take account of the information the supervisor has included in his report, the intern's assiduity and punctuality, the final report which the latter must submit, the results of the training actions attended, and the reports from the head of the department(s) or service(s) in which he served as an intern.

4 — The final evaluation shall be marked on a scale of zero to twenty points, and the trial period shall be deemed to have been successfully concluded when the parliamentary staff member obtains a score of not less than fifteen points.

Article 41

Conclusion of internship

1 — On successful conclusion of the trial period, the parliamentary labour contract shall be formalised by its signature.

2 — The length of service during a trial period which has been concluded successfully shall count for all legal purposes, with the exception of changes in positioning on the remuneratory scale.

3 — On unsuccessful conclusion of the trial period, the intern, who shall have no right to any compensation:

a) Shall return to the legal/functional status he previously held, when this was formed for an indefinite period;

b) In all other cases, the legal parliamentary employment relationship shall cease.

4 — The length of service during a trial period that has been concluded unsuccessfully shall count, where appropriate, in the career and category to which the intern returns.

Article 42

Early termination of trial period

1 — By duly substantiated decision of the Secretary-General, and upon a proposal from the supervisor and the head of department or service, the trial period may be terminated early when the intern proves not to possess the competencies or behavioural profile required by the post he fills, or refuses to perform tasks assigned to him or to attend the training actions he is ordered to attend.

2 — Possible grounds for early termination of the trial period shall include, in particular, the repeated or serious occurrence of

the following forms of behaviour:

- a) Lack of interest or difficulty in conforming to the department or service's objectives and structure, or inability to perform the functions entrusted to him;
- b) Inability to understand or apply norms and instructions;
- c) Failure to perform tasks correctly, or unjustified delay in performing them;
- d) Poor relationship with hierarchical superiors, other colleagues, parliamentary entities or the general public;
- e) Failure to understand the terms, conditions and limits under which his activities are to be exercised;
- f) Failure to receive a pass mark in the theoretical training phase.

Article 43

Termination by interns

During the trial period, the intern may terminate the contract by giving prior notice of not less than fifteen days, with no need to invoke just cause, and with no right to compensation.

Article 44

Fixed-term contracts

- 1 — In fixed-term contracts, the duration of the trial period shall be:
 - a) Thirty days for contracts with a duration of more than six months;
 - b) Fifteen days in date-limited contracts with a duration equal to or less than six months, and in event-limited contracts whose duration is not expected to be greater than that limit.
- 2 — In fixed-term contracts, the competence to supervise the trial period shall pertain to the contracted person's immediate hierarchical superior.

Article 45

Exceptional waiver of trial period

- 1 — With the exception of the initial phase provided for in paragraph Article 39(4)(a), the Secretary-General of the Assembly of the Republic may waive performance of the trial period upon a proposal from the supervisor and at the request of the interested party, when the latter has exercised functions at the Assembly of the Republic with a functional content that corresponds to the career and category for which he is a candidate for not less than three years and with a performance evaluation of not less than Good.
- 2 — For the purposes of the previous paragraph, the performance of those functions shall be confirmed by the head(s) of the departments(s) or service(s) of the Assembly of the Republic in which he exercised them.

Article 46

Trial period regulations

The provisions of the present Chapter shall be developed in regulations to be approved by the President of the Assembly of the Republic upon a proposal from the Secretary-General and after first obtaining a favourable opinion from the Board of Administration.

CHAPTER X

Remuneratory regime

Article 47

Remuneratory regime

- 1 — Parliamentary staff shall have their own remuneratory regime in accordance with Article 38 of LOFAR, as derived from the specific nature and operating conditions of the Assembly of the Republic and the permanent availability required of staff.
- 2 — The remuneratory regime shall be set by the President of the Assembly of the Republic upon a proposal from the Board of Administration, safeguarding in particular the principles of transparency, of internal equity, and of negotiations conducted via the trade unions that represent parliamentary staff.
- 3 — The remuneration of Assembly of the Republic staff shall be that provided for in the remuneratory scale points set out in Annexe II.
- 4 — The updating of the different components of the remuneratory regime shall be the object of annual collective bargaining.

Article 48

Remuneratory components and other allowances

- 1 — The remuneration of parliamentary staff shall comprise:
 - a) Basic remuneration;
 - b) Supplementary remuneration.
- 2 — The terms and conditions governing the award of other allowances and subsidies shall be defined and regulated by order of the President of the Assembly of the Republic, upon a proposal from the Secretary-General and after first obtaining an opinion from the Board of Administration.
- 3 — The travel allowance shall be set by order of the President of the Assembly of the Republic upon a proposal from the

Board of Administration.

4 — Parliamentary staff also have the right to social protection, other social benefits and the meal allowance.

5 — The terms and conditions governing the award of a performance-based reward system in accordance with the Evaluation Regulations may also be defined under the terms of paragraph (2).

Article 49

Base remuneration

1 — The monthly base remuneration shall be the monetary amount that corresponds to the remuneratory scale point of each parliamentary staff member, in accordance with the provisions of the following paragraph.

2 — The base remuneration shall be determined with reference to the parliamentary staff member's holding of a category and positioning on a remuneratory scale, or to the holding of an office on secondment, respectively.

3 — The annual base remuneration shall be paid in fourteen monthly instalments.

4 — The value of a normal hour's work shall be calculated using the formula $(R_b \times 12)/(52 \times N)$, where R_b is the monthly base remuneration and N is the number of hours in the normal working week.

Article 50

Category-based and service-based remuneration

1 — The base remuneration shall include a category-based remuneration and a service-based remuneration, which shall correspond to five-sixths and one-sixth of the base remuneration, respectively.

2 — The legal regime that is in force on the date on which the parliamentary employment relationship is formed shall apply subsidiarily to the situations in and conditions under which loss of the right to the service-based remuneration is applicable.

Article 51

Supplementary remuneration

1 — The supplementary remuneration referred to in Article 37 of LOFAR, as particularly derived from the permanent availability of parliamentary staff, shall be negotiated and paid under the same terms as the annual base remuneration.

2 — The supplementary remuneration shall only be due during the effective exercise of functions at the Assembly of the Republic, and shall automatically be suspended when any type of mobility to serve in entities outside the Assembly of the Republic is authorised.

3 — In accordance with the provisions of Article 37(3) of LOFAR, the supplementary remuneration shall count for civil service retirement purposes.

Article 52

Requisites for award of the meal allowance

1 — It is a requisite for awarding the meal allowance that service be provided on that day.

2 — Award of the meal allowance shall particularly not be applicable in the following situations:

- a) Holidays;
- b) Marriage;
- c) Mourning;
- d) Absences of student parliamentary staff;
- e) Illness;
- f) Absences due to parenthood and to provide assistance to children, grandchildren and other family members;
- g) Absences taken as holiday;
- h) Absences granted to candidates for election to public office during the respective statutory election campaign period;
- i) Unjustified absences;
- j) During exercise of the right to strike;
- l) Due to imposition of a preventative suspension and in fulfilment of disciplinary penalties;
- m) Leave periods provided for in Article 78 of this Statute.

Article 53

Extra Christmas month of salary

1 — Parliamentary staff have the right to an extra Christmas month of salary, to be paid in November of each year and equal in amount to the remuneration earned in that month.

2 — The amount of the extra Christmas month of salary shall be proportional to the length of service in the calendar year in the following situations:

- a) In the year of admission of the parliamentary staff member;
- b) In the year of termination of the contract;
- c) In cases in which the parliamentary labour contract is suspended, save if due to illness of the parliamentary staff member.

Article 54

Holiday remuneration

1 — Remuneration of the holiday period shall correspond to that which the parliamentary staff member would have received if he had been on effective service, except for the meal allowance.

2 — In addition to the remuneration mentioned in the previous paragraph, parliamentary staff have the right to an extra holiday month of salary, to be paid in June of each year and equal in amount to the remuneration earned in that month.

3 — Absences due to illness of the staff member shall not prejudice the right to the extra holiday month of salary under the terms of the previous paragraph.

4 — An increase or reduction in the planned holiday period shall not imply a corresponding increase or reduction in the holiday remuneration or the extra holiday month of salary.

CHAPTER XI

Holidays, absences and leave

SECTION I

Holidays

Article 55

Right to holidays

1 — Parliamentary staff have the right to a period of paid holiday in each calendar year.

2 — The right to holidays must be implemented in such a way as to permit the physical and psychological recovery of the parliamentary staff member and ensure him minimum conditions in terms of time for himself, involvement in his family life and participation in social and cultural activities.

3 — The right to holidays cannot be waived by the parliamentary staff member and, except in the cases provided for in this Statute, its effective enjoyment may not be substituted by any financial or other compensation, even with the agreement of the parliamentary staff member.

4 — The right to holidays shall, as a rule, relate to the work done in the previous calendar year and shall not be dependent on assiduity or effective service, without prejudice to the provisions of Article 75(2).

5 — Parliamentary staff must, in principle, take their holidays outside the period when the Assembly of the Republic is in full session.

Article 56

Acquisition of the right to holidays

1 — The right to holidays falls due on the first of January of each calendar year, save for the provisions of the following paragraphs.

2 — In the first year of their contract, after the latter has been executed for six complete months, parliamentary interns shall have the right to take two working days' holiday for each month of the duration of the contract, up to a maximum of twenty working days.

3 — In cases in which the calendar year ends before the end of the period referred to in the previous paragraph is reached or before the right to holidays is exercised, the parliamentary staff member may exercise it up until the thirtieth of June in the following calendar year.

4 — Application of the provisions of paragraphs (2) and (3) may not result in the parliamentary staff member having the right to take a period of holiday of more than thirty working days in the same calendar year.

Article 57

Duration of holiday period

1 — The duration of the annual holiday period shall be as follows, depending on the parliamentary staff member's age:

- a) Twenty-five working days up to his thirty-ninth birthday;
- b) Twenty-six working days up to his forty-ninth birthday;
- c) Twenty-seven working days up to his fifty-ninth birthday;
- d) Twenty-eight working days as of his fifty-ninth birthday.

2 — The relevant age for the purposes of application of the previous paragraph is determined by the parliamentary staff member's age on the thirty-first of December of the year when the holiday falls due.

3 — The holiday period provided for in paragraph (1) shall be increased by one working day of holiday for each ten years of public service effectively served.

4 — For holiday purposes, working days are the weekdays from Monday to Friday, with the exception of public holidays, and holidays may not begin on a weekend day.

Article 58

Right to holidays in the case of fixed-term contracts

1 — The norms contained in the previous Articles apply to parliamentary workers on fixed-term contracts, without prejudice to the provisions of the following paragraphs.

2 — A worker who is admitted on a contract whose total duration is less than six months shall have the right to two working days of holiday for each complete month of the duration of the contract.

3 — For the purposes of determining a complete month, every day on which work was done, whether consecutive or not, must be counted.

4 — In the case provided for in paragraph (2), the holiday shall be taken and paid immediately after termination of the contract.

Article 59

Accumulation of holidays

1 — Holidays must be taken during the calendar year in which they fall due, and it is not permitted to accumulate holidays from two or more years in the same year.

2 — In exceptional and duly substantiated circumstances, the Secretary-General of the Assembly of the Republic and the parliamentary staff member concerned may nevertheless agree the accumulation in the same year of up to half the holiday period which fell due in the previous year with that which fell due at the beginning of the year in question.

Article 60

Scheduling holiday periods

1 — Holiday periods shall be scheduled by agreement between the head of the organisational unit and the parliamentary staff member concerned.

2 — In the absence of agreement, the Secretary-General shall be responsible for scheduling holidays and ordering the respective chart to be drawn up accordingly.

3 — When holidays are scheduled, the most sought-after periods shall be shared out, whenever possible benefiting parliamentary staff in turn, depending on the periods taken in the previous two years.

4 — Save if it seriously prejudices their department or service, spouses who both work at the Assembly of the Republic, and persons cohabiting together under the terms provided for in special legislation, must take holidays at the same time.

5 — By agreement between the head of the department or service and the parliamentary staff member, the holiday period may be taken in parts, provided that at least eleven consecutive working days are taken in one of the periods.

6 — The holiday chart, which shall indicate the beginning and end of each staff member's holiday periods, must be drawn up by the fifteenth of April each year and affixed in workplaces from that date until the thirty-first of October.

Article 61

Changing scheduled holiday periods

1 — If, after a holiday period has been scheduled, overriding operational requirements of the department or service mean that holidays that have already begun must be delayed or interrupted, the parliamentary staff member concerned shall have the right to be compensated for the losses that he has substantiatedly suffered on the assumption that he would take the holidays at the scheduled time.

2 — The Secretary-General shall have the competence to interrupt holidays, but such interruptions may not prevent the parliamentary staff member from taking the second half of the period to which he is entitled in a single block.

3 — The holiday period shall be changed whenever, on the date on which it is scheduled to begin, the parliamentary staff member is temporarily unable to work due to facts that are not attributable to him. In the absence of agreement, the Secretary-General shall be responsible for scheduling the new holiday period.

4 — In cases in which the inability to serve ends before the end of the holiday period that was originally scheduled, the parliamentary staff member must take the days of holiday that are still left in that period, and the provisions of the previous paragraph shall apply to the scheduling of the remaining days.

5 — In those cases provided for in Article 58 in which termination of the contract is subject to prior notice, the Secretary-General of the Assembly of the Republic may order that the holiday period be brought forward to the time immediately before the date on which the contract is due to terminate.

Article 62

Illness during holiday periods

1 — In the event that a parliamentary staff member falls ill during his holiday period, the holidays shall be suspended, provided that the department or service with responsibility for managing human resources is informed of the fact. The days of holiday that are still left in that period shall be taken immediately after the staff member is declared fit.

2 — Evidence of the illness provided for in paragraph (1) and notification thereof shall be given in accordance with Article 71.

Article 63

Effects of termination of the legal employment relationship

1 — On termination of the legal employment relationship, the parliamentary staff member shall have the right to receive the remuneration corresponding to a holiday period in proportion to the length of service provided up to the date of termination, and to the respective extra holiday month of salary.

2 — If the legal employment relationship is terminated before the period of holidays that fell due at the beginning of the year in which the termination occurs has been taken, the parliamentary staff member shall also have the right to receive the remuneration and extra holiday month of salary corresponding to that period, which shall always be considered for length of service purposes.

3 — Application of the provisions of the previous paragraphs to the contracts provided for in Article 58 whose duration is less than twelve months may not result in a holiday period greater than that proportional to the duration of the contract, and this period shall be considered for remuneration and extra holiday month of salary purposes.

4 — The provisions of the previous paragraph shall also apply when the contract is terminated in the year following the year of recruitment.

Article 64

Exercising other activities during holidays

1 — A parliamentary staff member may not exercise any other remunerated activity during his holidays, save if he was already exercising it cumulatively.

2 — Without prejudice to any disciplinary liability on the part of the parliamentary staff member, breach of the provisions of the previous paragraph shall give the Assembly of the Republic the right to reclaim the remuneration that corresponds to the holidays and the respective extra holiday month of salary.

3 — For the purposes provided for in the previous paragraph, the Assembly of the Republic may make deductions from the parliamentary staff member's salary of up to a limit of one-sixth with regard to each of the subsequent salary periods.

Article 65

Contact during holiday periods

Before their holidays begin, parliamentary staff must inform the department or service with responsibility for managing human resources and their hierarchical superior of the way in which they can be contacted.

SECTION II

Absences

Article 66

Notion

1 — Absence means the absence of the parliamentary staff member from his place of work and during the period when he should be performing the activity to which he is allocated.

2 — In cases in which the parliamentary staff member is absent for periods shorter than the working period he is required to complete, the respective times shall be added together to determine the normal daily periods of work missed.

3 — For the purposes of the provisions of the previous paragraph, in cases in which the daily periods of work are not uniform, the shortest regarding a complete day's work shall always be used.

Article 67

Types of absence

1 — Absences can be justified or unjustified.

2 — The following are deemed justified absences:

- a) Those taken during fifteen consecutive days at the time of the staff member's marriage;
- b) Those due to the death of a spouse, relative or in-law, under the terms of Article 68;
- c) Those due to the taking of tests at an educational establishment;
- d) Those due to an inability to work due to a fact that is not attributable to the staff member, particularly illness, accident or the fulfilment of legal obligations that obligatorily require the physical presence of the parliamentary staff member;
- e) Those due to the need to provide assistance to members of his household that cannot be delayed and is indispensable;
- f) Those due to the need for outpatient treatment, medical appointments and diagnostic tests that substantiatedly cannot take place outside normal working hours, and only for as long as is strictly necessary;
- g) Those due to medical quarantine;
- h) Absences of not more than four hours and only for as long as is strictly necessary, to be justified by the person responsible for the education of a minor, once a calendar quarter, to go to the school with a view to finding out about the minor child's educational situation;
 - i) Those taken in order to give blood and first aid, under the terms provided for in subparagraph (f);
 - j) Those due to the need to undergo selection methods in competitive appointment procedures;
 - l) Absences taken as holiday periods;
 - m) Those taken by parliamentary staff who are elected to collective representative organisations, in accordance with the applicable law;
 - n) Those taken by candidates for election to public office during the respective statutory election campaign period;
 - o) Those taken under the Statute governing grant-holders and student workers;
 - p) Those taken with loss of remuneration.

3 — The provisions of subparagraph (f) of the previous paragraph shall cover assistance to a spouse or equivalent, ascendants, and minor or disabled descendants, children who are to be adopted, children who have been adopted and stepchildren, under an outpatient regime, when the parliamentary staff member is substantiatedly the only person in a position to do so.

4 — Absences not provided for in paragraphs (2) and (3) shall be deemed unjustified, as shall those derived from failure to attend the medical examination provided for in Article 72 without good reason.

Article 68

Absences due to the death of a spouse, relative or in-law

1 — Parliamentary staff may justifiably be absent under the terms of Article 67(2)(b) for:

- a) Five consecutive days on the death of a spouse from whom the parliamentary staff member was not legally separated from bed and board, or a relative or in-law of the first degree of the direct line;
- b) Two consecutive days on the death of a relative or in-law of the direct line and of the second and third degrees of the collateral line.

2 — The provisions of subparagraph (a) of the previous paragraph apply to the death of a person who was cohabiting with the parliamentary staff member under the terms provided for in special legislation.

Article 69

Absences taken in lieu of holiday periods

1 — Parliamentary staff may be absent two days per month in lieu of a holiday period, up to a maximum of fourteen days per year, which may be used in half-day periods.

2 — The absences provided for in the previous paragraph shall be deducted from the holiday period for the current or the following year, at the choice of the interested party.

3 — Notice must be given of absences in lieu of a holiday period at least twenty-four hours in advance or, if this is not possible, on the same day. Such absences shall be subject to authorisation, which may be refused if they are likely to prejudice the normal operation of the department or service.

Article 70

Notification of justified absence

1 — When foreseeable, justified absences must be notified to the department or service with responsibility for managing human resources and the parliamentary staff member's hierarchical superior at least five working days in advance.

2 — When unforeseeable, justified absences shall obligatorily be notified as soon as possible.

3 — The notification provided for in the previous paragraphs shall only be valid for the absences provided for therein.

Article 71

Evidence of justified absence

1 — Within the five working days following the notification referred to in the previous Article, the department or service with responsibility for managing human resources shall require the parliamentary staff member to provide evidence of the facts invoked as justification.

2 — Evidence of the illness provided for in Article 67(2)(d) shall be issued by a hospital, or in the form of a declaration by a health centre or a doctor's certificate.

3 — The illness referred to in the previous paragraph may be reviewed by a doctor appointed by the Assembly of the Republic or, in accordance with the provisions of general law, in accordance with the illness protection scheme.

4 — In the event of discrepancy between the evidence referred to in paragraph (2) and the opinion of the doctor appointed by the Assembly of the Republic, the latter shall prevail.

5 — In cases of failure to comply with the obligations provided for in the previous Article and in paragraphs (1) and (2) of this Article, or when there is opposition without good reason to the review referred to in paragraphs (3) and (4), the absences shall be deemed unjustified.

Article 72

Verification of illness

1 — Within a time limit of twenty-four hours following notification of an illness, the department or service with responsibility for managing human resources shall ask the competent entity to verify the situation involving illness on the part of the parliamentary staff member, and may also appoint a doctor who may summon the parliamentary staff member for a medical examination or diagnostic tests for this purpose, stating the place, date and time when they will take place, which must be within the next seventy-two hours.

2 — The provisions of the legal regime derived from the parliamentary staff member's illness protection scheme shall apply to the verification of his illness.

3 — The report to the Assembly of the Republic by the doctor who verifies the illness must be made in writing within the following twenty-four hours, using e-mail or fax.

Article 73

Effects of justified absences

1 — Justified absences shall not result in loss of or prejudice to any of the parliamentary staff member's rights, save for the provisions of the following paragraphs.

2 — Parliamentary staff who enrolled in the Caixa Geral de Aposentações (CGA) prior to the regulation of the convergent social protection scheme shall be subject to the rules that were applicable to them in matters regarding the effects of absences due to illness.

3 — Parliamentary staff who are beneficiaries of the social security regime shall lose their remuneration in cases of absence due to illness, and shall have the right to receive a social security benefit to replace their work income.

4 — When the worker is engaged under a fixed-term contract, in the cases provided for in Article 67(2)(d), if the inability to work effectively extends or can be expected to extend for more than one month, the regime governing suspension from work due to prolonged inability to work shall apply.

5 — In the case provided for in Article 67(2)(n), justified absences shall, as a maximum, confer the right to the remuneration regarding one-third of the duration of the election campaign period, and the parliamentary staff member may only be absent for full days if he gives forty-eight hours' prior notice.

Article 74

Effects of unjustified absences

1 — Unjustified absences constitute a breach of the duty of assiduity and shall result in loss of the remuneration corresponding to the period of absence, which shall also be deducted from the parliamentary staff member's length of service.

2 — In cases of unjustified absence on a normal working day immediately before or after weekend days or a public holiday, the parliamentary staff member shall be deemed to have committed a serious offence.

Article 75

Effects of absences on right to holidays

1 — Absences shall have no effect on the parliamentary staff member's right to holidays, save for the provisions of the following paragraph.

2 — In cases in which absences result in loss of remuneration, the absences may, if the parliamentary staff member expressly requests it, be taken in lieu of holiday days at the rate of one day's holiday for each day of absence, provided that that this does not prejudice the effective taking of twenty working days' holiday or the corresponding proportion in the case of holidays in the year of admission.

3 — The provisions of the previous paragraph shall not be applicable to the absences provided for in Article 67(2)(l).

Article 76

Dispensation from work

1 — Absences from work resulting from dispensations from work applicable to workers who are pregnant, have recently given birth or are breastfeeding, for reasons linked to the protection of their safety and health, shall not result in the loss of any rights and, save with regard to remuneration, shall be deemed to constitute the provision of effective service.

2 — Dispensations for medical appointments, breastfeeding and nursing shall not result in the loss of any rights and shall be deemed to constitute the provision of effective service.

Article 77

Workers under a fixed-term labour contract regime

The present Chapter is applicable to workers under a fixed-term labour contract regime.

SECTION III

Leave

Article 78

Paid leave

Maternity, paternity or adoption leave, parental leave, and leave to provide assistance in cases of chronic illness or disability shall be governed by general law.

Article 79

Unpaid leave

1 — The Secretary-General may grant unpaid leave to parliamentary staff at their request, for their own purposes.

2 — Upon a proposal from the Secretary-General, the Board of Administration shall define the criteria regarding minimum length of service and the duration and frequency of the leave referred to in paragraph (1).

3 — Parliamentary staff may also request long-term unpaid leave to attend education courses given by a Portuguese or foreign higher education institution, or vocational training courses. The request must be submitted at least sixty days prior to the date on which the course begins.

4 — Grant of the leave provided for in the previous paragraph may be refused in the following situations:

a) When the parliamentary staff member has been given adequate vocational training or leave for the same purpose during the last twenty-four months;

b) Whenever the parliamentary staff member has less than five years' length of service at the Assembly of the Republic;

c) When the parliamentary staff member has not requested the leave with the prior notice stipulated in paragraph (3);

d) In cases of staff who hold senior offices, or posts in the parliamentary advisor career, and in the latter case, when it is not possible to substitute them during the period of leave without serious prejudice to the operation of the departments and services.

5 — For the purposes of the provisions of paragraph (3), long-term leave is deemed to be leave equal to or longer than one hundred and eighty days.

6 — Parliamentary staff may be granted unpaid leave to exercise functions at international organisations, in one of the following forms, as appropriate:

a) Leave for not more than one year, to exercise functions of a temporary or trial nature with a view to joining the organisation in the future;

b) Leave to exercise functions on the staff of an international organisation for a period of not more than two years.

7 — Parliamentary staff may also be granted unpaid leave to accompany their spouse when posted abroad for a period of more than ninety days or for an indefinite period, in missions to defend or represent the country's interests or at international organisations of which Portugal is a member.

8 — The leave provided for in paragraphs (6) and (7) of this Article is granted by the Secretary-General, upon a duly substantiated request from the interested party. In the case of the leave provided for in paragraph (6), both the request for the grant of leave and that for return to the Assembly of the Republic must include evidence of the interested party's situation with

regard to the international organisation, in the form of documentary proof issued by that organisation.

9 — Until the decision of the Board of Administration referred to in paragraph (2), the criteria for the grant of unpaid leave defined by that organ on 5 March 1997 shall remain in force.

Article 80

Effects

1 — Grant of the leave provided for in the previous Article shall result in suspension of the parliamentary labour contract, with the corresponding suspension of the rights, duties and guarantees that presuppose the effective performance of functions.

2 — The grant of leave shall not prejudice the termination of the parliamentary labour contract in the case provided for in Article 84(1)(b).

3 — The period of leave shall not count for length of service purposes, without prejudice to the provisions of the following paragraph.

4 — In the case of the leave provided for in paragraphs (6) and (7) of the previous Article, parliamentary staff may request that the time count for the purposes of civil service or private sector retirement and enjoyment of ADSE or social security benefits, providing they assume payment of the corresponding deductions based on the remuneration earned on the date when the leave is granted, including employer's contributions.

5 — At the end of the leave period or in cases of an early return to the Assembly of the Republic, the parliamentary staff member must request his return to service and wait for a position to be provided for on the staff chart of the departments and services of the Assembly of the Republic with the category that he held on the date when the leave was granted.

Article 81

Leave without loss of remuneration

1 — During a period of hospitalisation or in cases of an accident or serious illness of a minor child under the age of twelve or over the age of twelve and disabled, parliamentary staff may request leave without loss of remuneration for up to a maximum of ninety days.

2 — Grant of the leave provided for in the previous paragraph shall be dependent on the parliamentary staff member:

- a) Providing evidence that the other parent is not exercising the rights that are provided for in this matter in general law;
- b) In cases of a disabled child over the age of twelve, providing evidence that the child is part of his household.

3 — This leave may only occur once, without prejudice to the parliamentary staff member being able to request the leave provided for in Article 79(1).

Article 82

Inapplicability

The provisions of the present Section do not apply to parliamentary staff in a trial period or those on fixed-term contracts.

CHAPTER XII

Termination of the legal parliamentary employment relationship

Article 83

General provisions

1 — Subsequent discovery of the non-fulfilment of any of the requisites referred to in Article 12 may cause the termination or modification of the legal parliamentary employment relationship, when provided for in special law and in accordance with the terms thereof.

2 — In all cases, the parliamentary employment relationship shall terminate when the parliamentary staff member attains seventy years of age.

Article 84

Termination of parliamentary labour contracts

1 — Parliamentary labour contracts shall terminate in the following cases:

- a) Unsuccessful conclusion of the trial period;
- b) Resignation by the parliamentary staff member;
- c) Application of a disciplinary penalty entailing dismissal;
- d) Leaving the service for the purposes of civil service or private sector retirement;
- e) Death.

2 — The termination referred to in subparagraph (b) of the previous paragraph shall take effect on the thirtieth day counting from the date on which the request is submitted, except when the Assembly of the Republic and the parliamentary staff member agree a different time period.

Article 85

Formats for the termination of fixed-term contracts

1 — Without prejudice to the provisions of the Disciplinary Statute governing Workers who Exercise Public Functions, fixed-

term contracts may terminate by:

- a) Expiry;
- b) Resignation.

2 — Fixed-term labour contracts shall expire in the following cases:

- a) At the end of the contractual term;
- b) In cases of the supervening, absolute and definitive inability of the worker to perform his work;
- c) On the worker's retirement due to old age or invalidity.

3 — Event-limited fixed-term contracts shall also expire when, foreseeing the occurrence of the event in question, the Assembly of the Republic notifies the worker of the termination thereof with prior notice of at least seven, thirty, or sixty days, depending on whether the contract has lasted up to six months, for between six months and two years, or for a longer period.

4 — Failure to give or delay in giving the notice referred to in paragraph (3) shall imply that the Assembly of the Republic must pay the remuneration corresponding to the missed notice period.

5 — Expiry of the contract referred to in paragraph (3) shall give the worker the right to compensation equivalent to two days' base remuneration for each month's service.

6 — Expiry of a date-limited fixed-term labour contract due to non-notification by the Assembly of the Republic of the wish to renew it shall give the worker the right to compensation equivalent to three or two days' base remuneration for each month of the contract's duration, depending on whether it has lasted for a period of not more than, or greater than, six months respectively.

Article 86

Retirement due to old age

1 — Parliamentary labour contracts to which the general social security regime is applicable, and event-limited fixed-term contracts, shall expire on the worker's retirement due to old age or, in any case, when the worker attains seventy years of age, and the regimes governing incompatibilities and the accumulation of remunerations of parliamentary staff who have taken civil service retirement shall be applicable, *mutatis mutandis*.

2 — The contract shall expire thirty days after both parties have knowledge of the parliamentary staff member or worker's retirement due to old age.

Article 87

Resignation in fixed-term contracts – Prior notice

1 — Any worker under a date-limited or event-limited fixed-term contract who wishes to be released before the end of the contractual term shall be obliged to notify the Assembly of the Republic at least thirty days in advance if the duration of the contract is six months or more, or fifteen days if the duration is less than this.

2 — If the contracted worker wholly or partly fails to fulfil the prior notice period laid down in the previous paragraph, he shall be obliged to pay the Assembly of the Republic compensation in an amount equal to his base remuneration for the missing prior notice period, which shall be deducted when the final payment is made.

CHAPTER XIII

Final and transitional provisions

Article 88

Subsidiary legislation

1 — The Disciplinary Statute governing Workers who Exercise Public Functions is applicable to parliamentary staff and workers.

2 — The following provisions of the Regime governing the Labour Contract for Public Functions and the respective Regulations are also applicable to the staff covered by the present Statute, *mutatis mutandis*:

- a) Articles 6 to 12 of the Regime and 1 to 3 of the Regulations, on personality rights;
- b) Articles 13 to 20, 22 and 23 of the Regime and 4 to 14 of the Regulations, on equality and non-discrimination;
- c) Articles 21 of the Regime and 15 to 39 of the Regulations, on the protection of genetic assets;
- d) Articles 52 to 58 of the Regime and 87 to 96 of the Regulations, on student-worker status;
- e) Articles 221 to 229 of the Regime and 132 to 204 of the Regulations, on safety, hygiene and health at work;
- f) Articles 298 to 307 of the Regime and 205 to 239 of the Regulations, on the formation of workers' committees;
- g) Articles 308 to 339 of the Regime and 240 to 253 of the Regulations, on the freedom to form and join trade unions;
- h) Articles 392 to 407 of the Regime, on the right to strike.

3 — The regimes governing social protection and the protection of parenthood of workers who exercise public functions are also applicable to the staff covered by the present Statute.

Article 89

Performance evaluation

The performance evaluation system for parliamentary staff shall be laid down in regulations to be approved within thirty days of the entry into force of this Statute, and shall apply to the 2011 performance evaluation.

Article 90

Transition to the parliamentary advisor career

1 — Existing parliamentary staff who are incorporated into the senior parliamentary technical official career shall transition to the base category of the parliamentary advisor career.

2 — Existing parliamentary staff in the technical and programmer careers may apply under a single, specific competitive appointment procedure, to be launched while this Statute is in force, for the purpose of incorporation into the base category of the parliamentary advisor career at a remuneratory scale point no lower than that which they presently hold. The procedure must include:

- a) Written test of knowledge specific to the respective specialist area;
- b) Test of IT knowledge and of at least one foreign language;
- c) Curriculum vitae evaluation;
- d) Competency evaluation interview.

3 — A pass mark in the test referred to in subparagraph (a) of the previous paragraph shall obviate any lack of academic qualifications needed for incorporation.

Article 91

Transition to the parliamentary support officer (technical) career

Existing parliamentary staff in the treasurer, parliamentary assistant and parliamentary secretary careers shall transition to the base category of the parliamentary support officer (technical) career.

Article 92

Transition to the parliamentary operations assistant career

1 — Existing parliamentary staff who are incorporated into the auxiliary and manual worker careers shall transition to the base category of the parliamentary operations assistant career.

2 — Existing auxiliary staff supervisors and reprographic park supervisors and the existing custodian shall transition to the parliamentary operations supervisor category, and the time already served under an existing secondment shall count for the purposes of any renewal of the secondment.

Article 93

Transition to CACP Coordinator

1 — The current Coordinator shall transition to the office of Coordinator of the Parliament Channel Support Centre (CACP), and the time already served in the exercise of those functions shall count for the purposes of any renewal of the secondment.

2 — The provisions of Article 28(2) shall take effect on the date on which the secondment following the entry into force of the present Statute begins.

Article 94

Subsisting careers

1 — Without prejudice to the provisions of Article 90(2), the parliamentary technical staff, parliamentary programmer and parliamentary systems operator careers shall be abolished as the corresponding posts fall vacant, and the staff concerned shall maintain the remuneratory positioning provided for in the following Article.

2 — The careers provided for in the previous paragraph shall subsist for as long as there are parliamentary staff incorporated into them, on the terms under which they are currently regulated, particularly for the purposes of competitive appointment procedures.

Article 95

Remuneratory repositioning

1 — In the transition to the base category of the new careers, parliamentary staff shall be repositioned at the remuneratory scale point that corresponds to the remuneratory level equal to the respective current base remuneration.

2 — In the transitions provided for in Articles 92 and 93, the repositioning shall take into account the remuneration earned as supervisor, custodian or CACP Coordinator, and the following paragraphs of this Article shall also apply.

3 — In cases in which there is no match, parliamentary staff shall be repositioned at an automatically created remuneratory scale point that matches the amount of the base remuneration to which they are currently entitled.

4 — In the cases provided for in the previous paragraph, the first change in remuneratory positioning shall be to the scale point immediately above that at which the parliamentary staff member is currently positioned, if this does not result in a salary rise below the monetary amount set by general law. In the latter situation, the change shall be to the remuneratory scale point immediately above that.

Article 96

Current civil service labour contracts

Parliamentary staff whose parliamentary employment relationship was formed by a civil service labour contract shall transition to a parliamentary labour contract without any other formalities.

Article 97

Event-limited fixed-term contracts

Existing workers on event-limited fixed-term contracts that are being executed on the date on which this Statute enters into

force shall maintain their contracts under the terms and conditions on which they were entered into.

Article 98

Nominative list of transitions

1 — The transition of parliamentary staff to the new careers and remuneratory scale points that result from the application of the transition rules provided for in this Chapter shall be implemented by the department or service with responsibility for managing human resources by means of a nominative list that shall be notified to each staff member and made public by its appearance on AR@net.

2 — For each staff member, among other items the nominative list shall set out the category, career, length of service and remuneratory scale point to which he is transitioning.

3 — The exercise of functions in the past by the staff members on the list shall count as having taken place in the career and at the remuneratory scale point that result from the transition.

4 — Transitions shall be processed on the date on which the list referred to in paragraph (2) is drawn up. The said list shall be drawn up within a maximum time limit of sixty days following the date on which the Statute enters into force, without prejudice to the transitions taking full effect on the date of entry into force of this Statute.

Article 99

Transitional qualification levels

For as long as parliamentary staff continue to be incorporated in the career that results from the transition provided for in the present Chapter, the level of academic qualification required for entry into that career shall not be required of them, even if they apply under a competitive appointment procedure for posts that correspond to a higher category in that career.

Article 100

Statute governing student parliamentary staff

1 — A person shall be deemed a student parliamentary staff member when he is attending any level of scholastic education, or a postgraduate, master's or doctoral course at an education institution, or a vocational training course with a duration of six months or more.

2 — The Statute governing student parliamentary staff shall be set out in regulations to be approved within a time limit of thirty days following the entry into force of this Statute, without prejudice to the provisions of Article 88(2)(d).

ANNEXE I

Career	Category	Functional content	Functional complexity level	Number of remuneratory scale points
Parliamentary advisor	Senior parliamentary advisor	<p>Functions involving planning, programming and development of actions and working methods designed to improve the efficiency and quality of parliamentary services, identifying needs and contributing to the definition or use of indicators of the quality of parliamentary services and their evaluation. May also involve the coordination of multidisciplinary teams, preparing or supporting the implementation of projects that mobilise and develop these teams as a whole.</p> <p>Functions involving advice or consultancy on projects or programmes designed to support parliamentary activities. Exercise of responsibilities for continuous vocational training and development in the area of the respective competencies with regard to support for parliamentary activity.</p> <p>Functions exercised with a high level of qualification and experience in the various aspects of the support for parliamentary activity, within the framework of an overall vision that makes it possible to interconnect the various areas of activity of the Assembly of the Republic.</p> <p>Includes the whole of the functional content of the base category (parliamentary advisor).</p>	3	5
	Parliamentary advisor	<p>Specific functions involving monitoring and the provision of specialised technical advice for parliamentary work and to the organs, departments and services of the Assembly of the Republic.</p> <p>Functions involving research, studies, planning, programming, design, adaptation and application of general and specialised scientific and technical methods and processes that provide the grounds for and prepare decisions in support of parliamentary activity. Functions exercised with responsibility and technical autonomy, albeit within a qualified hierarchical framework and with the impartiality and disinterestedness inherent in the various aspects of the support for parliamentary activity.</p> <p>Drafting opinions with varying levels of complexity and proposals aimed at the prevention and resolution of specific problems regarding the various aspects of the support for parliamentary activity, and at meeting the specific needs of the Assembly of the Republic.</p>	3	10
Parliamentary support officer (technical)	Parliamentary support coordinator	<p>Functions involving coordination, implementation and technical application, adaptation of methods and processes within the framework of defined instructions, with a medium level of complexity, and supervision of parliamentary assistants in the implementation of their tasks, particularly in teams. Contributing to continuous vocational training and development in the area of the respective competencies with regard to support for parliamentary activity.</p> <p>Includes the whole of the functional content of the base category (parliamentary support officer).</p>	2	4

Career	Category	Functional content	Functional complexity level	Number of remuneratory scale points
	Parliamentary support officer	<p>Functions involving administrative and operational support for the work inherent in parliamentary activities and for the departments and services of the Assembly of the Republic.</p> <p>Functions involving the collection, recording, processing and analysis of information, and also dealing with routine correspondence, organisation and filing, as well as all documentary records.</p> <p>Administrative and operational functions with an average level of complexity in the areas of operation of the various departments and services of the Assembly of the Republic, to be exercised with the impartiality and disinterestedness inherent in the various aspects of support for parliamentary activity.</p>	2	9
Parliamentary operations assistant	Parliamentary operations supervisor	<p>Functions involving coordination of parliamentary operations assistants, and of tasks performed in his sector of activity, for whose results he shall be responsible. Performing tasks involving the planning, organisation and control of work carried out in the respective parliamentary departments and services.</p> <p>Proposing and developing working methods with a view to a better use of physical and human resources.</p> <p>Contributing to continuous vocational training and development in the area of the respective competencies with regard to support for parliamentary activity.</p> <p>Includes the whole of the functional content of the base category (parliamentary operations assistant).</p>	1	3
	Parliamentary operations assistant	<p>Functions with a manual or mechanical nature and varying levels of complexity, which may entail physical effort, within a framework of defined instructions, and which are essential to the operation of the organs, departments and services of the Assembly of the Republic.</p> <p>Performing tasks that are auxiliary to parliamentary activities in any of the spaces pertaining to the Assembly of the Republic, particularly ensuring contacts and the distribution of internal and external documentation between offices, chambers and meeting rooms and departments and services of the Assembly of the Republic, and performing unskilled tasks.</p> <p>Responsibility for the facilities and equipment in his care and for its proper use, when necessary carrying out the respective repairs and maintenance. May involve driving vehicles.</p> <p>Functions involving controlling access to the premises of the Assembly of the Republic.</p>	1	8

ANNEXE II

Parliamentary advisor career

Category	Remuneratory levels /scale points (combined table)									
	1	2	3	4	5	6	7	8	9	10
Senior parliamentary advisor	48	51	54	56	59					
Parliamentary advisor	12	17	22	27	32	36	40	44	46	48

Parliamentary support officer (technical) career

Category	Remuneratory levels /scale points (combined table)								
	1	2	3	4	5	6	7	8	9
Parliamentary support coordinator	21	23	24	25					
Parliamentary support officer	6	8	10	12	13	15	17	19	20

Parliamentary operations assistant career

Category	Remuneratory levels /scale points (combined table)							
	1	2	3	4	5	6	7	8
Parliamentary operations supervisor	13	14	16					
Parliamentary operations assistant	1	3	5	6	8	9	10	11