

## 12 days?

Luxembourg, 15/06/2020

In one of its periodic COVID19 crisis communication - sent just before Easter - DG HR thought useful to remind us about the: “no more than 12 days” transfer.

The Staff Regulations provides for the possibility of not transferring more than 12 days of annual leave (annex V, art.4 of the Staff Regulation), except for compelling reasons of service.

It would appear though that a large number of managers call on staff not to take leave specifying in return they'll sign the request for transfers of more than 12 days. Indeed, many services are being faced with a high workload, mainly due to the growing scarcity of resources to meet the needs. Let's remember the Commission's commitment to reduce its staff by 5%! Some 'good class students' services have indeed reduced resources further than what they needed to, mainly affecting ASTs.

USF Luxembourg would like to recall that the transfer of more than 12 days is possible and that the related case law is clear on that.

However, such a transfer is at the discretion of the hierarchy, it is a reasoned request, accepted or not by DG HR, typically based on accepted or imposed extra workload.

Some managers even announced that it will not be possible to take leave during the last 2 months of the year.

Such service requirements will not allow many colleagues to consume their leave enough to meet this limit of 12 days.

USF Luxembourg asked DG HR to apply what it calls namely a goodwill/benevolence management!

USF Luxembourg recommends staff - the main resource of the institution - to:

- keep any request not to take leave at the end of the year from his/her superiors,
- register in SYSPER any request for leave well in advance and to keep any trace of hierarchy's refusals.

It goes without saying that you are entitled to ask your superiors to confirm in writing such request or refusal.

It will enable you to legally prove that you were unable to take your leave!

USF Luxembourg will support any colleagues who will be denied a transfer of more than 12 days due to service needs.

**Contact :** [REP-PERS-OSP-USF-LUXEMBOURG@ec.europa.eu](mailto:REP-PERS-OSP-USF-LUXEMBOURG@ec.europa.eu)

### Your representatives:

BECH and T2: N. MAVRAGANIS, C-A POPESCU	Gasperich: N. FETTAH R. DELGADO-SAEZ S. KARDARAS	POS: I. WOLFF, MR COLLIGNON
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**UNION OF THE UNION FOR THE  
LUXEMBOURG TRADE UNION**

**Contact:** [REP-PERS-OSP-USF-LUXEMBOURG@ec.europa.eu](mailto:REP-PERS-OSP-USF-LUXEMBOURG@ec.europa.eu)

[www.usf-luxembourg.eu](http://www.usf-luxembourg.eu)

