

A.L. 95 ta' l-2007

**ATT DWAR KUNSILLI LOKALI
(KAP. 363)**

**Regolamenti ta' l-2007 li jemendaw ir-Regolamenti
dwar Kunsilli Lokali (Riżorsi Umani)**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 53(2) u 72 ta' l-Att dwar Kunsilli Lokali, il-Viċi Prim Ministru u Ministru tal-Ġustizzja u l-Intern, bi ftehim mal-Prim Ministru u Ministru tal-Finanzi, għamel ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2007 li jemendaw ir-Regolamenti dwar Kunsilli Lokali (Riżorsi Umani), u għandhom jinqraw u jiftiehmha waħda mar-Regolamenti ta' l-1998 dwar Kunsilli Lokali (Riżorsi Umani), hawnhekk iżjed 'il quddiem f' dawn ir-regolamenti msejha "ir-regolamenti prinċipali".

Titolu.

A.L. 127 ta' l-1998.

2. Fir-regolament 2 tar-regolamenti prinċipali minnufih wara t-tifsira ta' "Att" għandhom jiżdiedu t-tifsiriet ġodda li ġejjin:

Jemenda r-regolament 2 tar-regolamenti prinċipali.

" "ftehim kollettiv" tfisser il-ftehim kollettiv għall-haddiema klerikali tal-Kunsilli Lokali iffirmat minn żmien għal żmien bejn l-Assoċjazzjoni tal-Kunsilli Lokali u t-*trade union* li tirrappreżenta l-maġġoranza tal-haddiema klerikali impjegati mill-Kunsilli Lokali;

"ġranet u sığħat ta' xogħol", għall-finijiet ta' azzjoni industrijali, jirreferu għal dawk il-ġranet u sığħat ta' xogħol osservati mill-amministrazzjoni tal-Kunsilli Lokali rispettiva u għal dan il-għan, Sibtijiet, Hdud u festi pubbliċi ma jitqiesux bħala ġranet tax-xogħol;"

3. Ir-regolament 11 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

Jemenda r-regolament 11 tar-regolamenti prinċipali.

(a) fil-paragrafu (d) tiegħu, minnufih wara l-kliem "*leave* speċjali minhabba tqala" għandhom jiżdiedu l-kliem "u ġimgha oħra mingħajr hlas";

(b) fil-paragrafu (g) tiegħu minnufih wara l-kliem "Segretarju Eżekuttiv" għandhom jidhlu l-kliem "jew haddiem klerikali"; u

(ċ) il-paragrafu (h) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(h) Attivitajiet Trejdunjonistiċi - tliet (3) ijiem tax-xogħol *leave* speċjali għandhom jingħataw kull sena lill-membri tal-Grupp tal-Kumitat (sakemm in-numru ta' membri ma jeċċedix is-seba' (7) persuni) li jirrappreżentaw l-haddiema klerikali tal-Kunsilli Lokali biex jattendu għal laqgħat, konferenzi, *seminars* jew attivitajiet oħra simili tal-*Union*, u sakemm dan isir bl-approvazzjoni bil-quddiem mis-Sindku tal-Kunsill konċernat."

Jemenda r-regolament 14 tar-regolamenti prinċipali.

4. Il-proviso tas-subregolament (4) tar-regolament 14 tar-regolament prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tiegħu, minflok il-kliem "wara s-6.00p.m." għandhom jidhlu "wara l-5.30p.m."; u

(b) minflok il-paragrafu (ċ) tiegħu għandu jidhol il-paragrafu ġdid li ġej:

"(ċ) fix-xahar ta' Awissu, l-impjegati klerikali għandhom jaħdmu medja ta' sitt sigħat xogħol kuljum. Wara sitt (6) sigħat ta' xogħol, irid ikun hemm *break* ta' 15-il minuta, ukoll jekk il-haddiema qegħdin bin-nofs ta' nhari. Is-sagħtejn (2) ta' xogħol li jaħdmu anqas f'dan ix-xahar ikunu jridu jpartu għalihom matul ix-xhur l-oħra tas-sena."

Iżid ir-regolament 14A ġdid mar-regolamenti prinċipali.

5. Minnufih wara r-regolament 14 tar-regolament prinċipali għandu jizjed ir-regolament ġdid li ġej:

"Hinijiet imnaqqsa.

14A. (1) Impjegat li jieħu ħsieb tfal taħt il-hames (5) snin jista' jressaq talba bil-miktub lis-Segretarju Eżekuttiv biex jaħdem hinijiet imnaqqsa. It-talba li ssir għal dan l-iskop għandha titressaq mill-anqas xahrejn qabel ma jkun hemm il-htieġa li jsir uzu minn din il-konċessjoni.

Is-Segretarju Eżekuttiv għandu minnufih iressaq talbiet bħal dawn għall-konsiderazzjoni tal-Kunsill flimkien mar-rakkomandazzjonijiet tiegħu dwar jekk it-talba għandhiex tiġi aċċettata jew le. F'kull każ il-Kunsill għandu jagħti d-deċiżjonijiet tiegħu bil-miktub. Talbiet bħal dawn m'għandhomx ikunu għal anqas minn għoxrin siegħa fil-ġimgħa mifruxa fuq hamest ijiem fil-ġimgħa.

(2) Il-Kunsill ikollu diskrezzjoni assoluta, bbażata fuq l-esiġenzi tiegħu, jekk japprovax jew le talbiet bħal dawn. Fejn il-Kunsill japprova talbiet bħal dawn, il-Kunsill għandu jistabbilixxi t-tul tal-perjodu li minnu l-impjegat ikun jista' jibbenefika minn din il-konċessjoni bla ħsara għal kull kondizzjoni oħra li l-Kunsill jista' jimponi, li għandhom ikunu inkorporati fi ftehim bil-miktub bejn il-Kunsill u l-impjegat. Id-deċiżjoni tal-Kunsill tkun finali.

(3) F'kull żmien il-Kunsill jista' jirtira din il-konċessjoni wara li jagħti ġimagħtejn avviż bil-miktub lill-impjegat ikkonċernat, iżda fl-ewwel sena tal-kuntratt ta' impjieg l-avviż għandu jkun ta' tliet ġimgħat. L-impjegat, li jkun ġie mogħti lill-impjegat sabiex jaħdem hinijiet imnaqqsa, ma jistax jidhol jaħdem *full-time* minn rajh, iżda għandu jagħmel talba bil-miktub lis-Segretarju Eżekuttiv sabiex jaħdem fuq bażi *full-time*. Is-Segretarju Eżekuttiv għandu jressaq ir-raġunijiet bil-miktub quddiem il-Kunsill bir-rakkomandazzjonijiet tiegħu. Din it-talba ma għandhiex tiġi miċhuda mingħajr raġuni valida. Id-deċiżjoni tal-Kunsill tkun finali u għandha tiġi minnufih ikkomunikata lill-impjegat mis-Segretarju Eżekuttiv.

Waqt il-perjodu ta' hinijiet imnaqqsa, is-salarju li jithallas u kull benefiċċju iehor, inkluż kull tip ta' *leave*, li jingħata lill-impjegat għandhom jingħataw *pro rata*."

6. Is-subregolament tar-regolament 16 tar-regolamenti prinċipali għandu jiġi sostitwit bis-subregolament ġdid li ġej:

Jemenda r-regolament 16 tar-regolamenti prinċipali.

"(1) (a) Postijiet vakanti u, jew postijiet ġodda għandhom jimtlew permezz ta' sejhiet interni għal applikazzjonijiet maħruġa mill-Kunsill Lokali fi hdan il-Kunsill Lokali kkonċernat:

Izda meta l-Kunsill Lokali ma jsib lil hadd li jkun eligibbli ghal dak il-post, il-Kunsill ghandu johrog sejha ghall-applikazzjonijiet skond id-disposizzjonijiet ta' l-Att.

(b) Wara li jkun inghata l-permess mehtieg mill-Korporazzjoni tax-Xoghol u Tahrig, il-Kunsill Lokali ghandu jibghat avviż permezz ta' komunikat elettroniku lill-Kunsilli Lokali kollha fejn jistieden applikazzjonijiet minn fost haddiema klerikali elegibbli. Kull applikazzjoni ghandha tigi kkunsidrata u l-applikanti kollha ghandhom jissejju ghall-intervisti li ghandhom isiru mill-Kunsill. Kull applikazzjoni minn xi haddiem klerikali ta' xi Kunsill Lokali ghandha awtomatikament tkun *short listed* waqt il-proċess ta' l-għażla".

Jemenda r-regolament 19 tar-regolamenti prinċipali.

7. Minnufih wara s-subregolament (4) tar-regolament 19 tar-regolamenti prinċipali ghandu jiżdied is-subregolament ġdid li ġej:

"(5) Il-livell bejn 3% u 6% ghandu jitkejjel permezz ta' *performance appraisal* li jsir fuq il-formula li hemm fl-Iskeda; dan il-*performance appraisal* hu maħsub biex jgħin lill-Kunsill Lokali fil-valutazzjoni tal-livell ta' *performance* ta' l-impjegat klerikali interessat."

Jemenda r-regolament 20 tar-regolamenti prinċipali.

8. Ir-regolament 20 tar-regolamenti prinċipali ghandu jiġi emendat kif ġej:

(a) fis-subregolament (1) tiegħu minufih wara l-kliem "bil-miktub mill-Kunsill" ghandhom jiżdiedu l-kliem ", u dan sa massimu ta' 48 siegħa";

(b) minflok is-subregolament (2) tiegħu ghandu jidhol is-subregolament ġdid li ġej:

"(2) (a) Haddiema klerikali ghandhom dritt ghal 192 siegħa *vacation leave* fis-sena, jew dak l-ammont ieħor ta' *vacation leave* li jista', minn żmien għal żmien, ikun preskritt skond il-liġi. Il-*vacation leave* jista' jittiehed bħala granet shaħ jew nofs ta' nhari, izda tliet ijiem minn dawn il-granet jistgħu jittieħdu fuq bażi ta' sagħtejn kull darba. Haddiem klerikali ghandu jiehu sebghin fil-mija (70%) tal-*vacation leave* tiegħu sa l-aħħar ta' Settembru filwaqt li l-bilanċ ta' tletin fil-mija (30%) ghandu jittiehed sa l-aħħar tas-sena.

(b) *Vacation leave* mhux meħud minhabba f'esiġenzi tax-xogħol skond kif determinat mill-Kunsill jista' jiġi akkumulat minn sena għal oħra biss bl-approvazzjoni bil-miktub tal-Kunsill.

(ċ) Kull *vacation leave* għandu jiġi approvat mis-Segretarju Eżekuttiv wara talba bil-miktub mill-haddiem klerikali. Bħala regola, *vacation leave* ta' anqas minn tliet ijiem għandu jintalab tliet ijiem qabel il-ġranet ta' *vacation leave* maħsuba u *vacation leave* ta' aktar minn tliet ijiem għandu jintalab ġimgħa qabel l-imsemmi perjodu ta' *vacation leave*:

Iżda din ir-regola ma tapplikax fil-każ ta' talbiet għal *vacation leave* urgenti magħmulin mill-haddiem klerikali, sakemm dik l-urgenza tiġi aċċettata mis-Segretarju Eżekuttiv."; u

(ċ) minufih wara s-subregolament (2) tiegħu għandu jiżdied is-subregolament ġdid li ġej:

"(3) Haddiem klerikali għandu dritt jiehu sittax-il siegħa (16) *vacation leave*, mill-192 siegħa *vacation leave* li jistgħu jittiehdu, f'każijiet ta' emerġenza li dwarhom għandha tiġi preżentata evidenza dokumentarja mill-haddiem klerikali interessat."

9. Minufih wara regolament 23 tar-regolamenti prinċipali għandu jiżdied ir-regolament ġdid li ġej:

Iżid ir-regolament 23A ġdid mar-regolamenti prinċipali.

"*Leave* iehor u beneficiċċi ohra.

23A. (1) Haddiem klerikali jista' japplika għal *leave* mingħajr hlas sa massimu ta' erbgħin (40) siegħa kull sena. Dan il-*leave* ikun jista' jsir użu minnu f'minimu ta' erba' (4) siegħat kull darba, ukemm-il darba biss li l-haddiem ikun għamel użu mill-*vacation leave* tiegħu kollu u dejjem jekk iċ-ċirkostanzi tax-xogħol jippermettu.

(2) Haddiem klerikali għandu jingħata tliet (3) xhur *leave* ta' ġenitur mingħajr hlas għal kull tarbija ġdida tiegħu.

(3) Il-kondizzjonijiet li jirregolaw l-iskema ta' saħħa kif stipulati fir-regolament 13A għandhom japplikaw, *mutatis mutandis*, għall-impjegati klerikali tal-Kunsilli Lokali."

10. Fis-subregolament (1) tar-regolament 24 tar-regolamenti prinċipali, minnufih wara l-kliem "kif pubblikat fil-Proċeduri dwar Riżorsi Umani." għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

Jemenda r-regolament 24 tar-regolamenti prinċipali.

"Il-kuntratt ta' impjeg għandu jinkorpora l-kondizzjonijiet miftiehma fil-ftehim kollettiv; fl-assenza ta' kondizzjonijiet bħal dawn, għandhom jgħoddu, *mutatis mutandis*, id-disposizzjonijiet tat-Taqsima V ta' l-Att:

Iżda haddiema klerikali jistgħu jiġu impjegati b'kuntratt ta' anqas minn tliet snin sabiex jissostitwixxu haddiema li jkun barra mix-xogħol fuq *leave* fit-tul mingħajr hlas."

Jissostitwixxi r-regolament 34 tar-regolamenti prinċipali.

11. Ir-regolament 34 tar-regolamenti prinċipali għandu jiġi sostitwit bir-regolament ġdid li ġej:

"**34.** Is-Segretarju Eżekuttiv u l-haddiema klerikali għandhom jingħataw *qualification allowance* ta' -

Lm400 - għal Ph.D;

Lm300 - għal *Masters degree*;

Lm200 - għal *First degree*; u

Lm 100 - għal diploma,

jew dik l-*allowance* oħra li tista' tingħata skond il-proċedura applikabbli fis-servizz pubbliku (Gradi Servizz Ġenerali mal-Gvern) u sakemm din il-kwalifika tkun relatata ma' funzjonijiet konnessi mal-Kunsill:

Iżda dik l-*allowance* m'għandiex tingħata lis-Segretarju Eżekuttiv jew lil xi haddiem klerikali ieħor li jkun attenda b'suċċess kors għal Segretarji Eżekuttivi prospettivi tal-Kunsilli Lokali."

Izid ir-regolament 34 ġdid mar-regolamenti prinċipali.

12. Minnufih wara r-regolament 34 tar-regolamenti prinċipali għandu jiżdied ir-regolament ġdid li ġej:

"Tahriġ.

35. Haddiem klerikali għandu jingħata tahriġ u l-faċilità li jattendi għal tahriġ fuq materji relatati mal-funzjonijiet ta' dak il-haddiem fil-Kunsill Lokali. F'każijiet ta' korsijiet universitarji, l-impjegat ikun intitolat għal ġurnata ta' *study leave* speċjali bil-ghan li jkun jista' jattendi għal eżami f'dik il-ġurnata."

L.N. 95 of 2007

**LOCAL COUNCILS ACT
(CAP. 363)**

**Local Councils (Human Resources) (Amendment)
Regulations, 2007**

IN exercise of the powers conferred by articles 53(2) and 72 of the Local Councils Act, the Deputy Prime Minister and Minister for Justice and Home Affairs with the concurrence of the Prime Minister and Minister of Finance, has made the following regulations:-

1. The title of these regulations is the Local Councils (Human Resources) (Amendment) Regulations, 2007, and they shall be read and construed as one with the Local Councils (Human Resources) Regulations, 1998, hereinafter referred to as "the principal regulations".

Citation.

L.N. 127 of 1998.

2. In regulation 2 of the principal regulations immediately after the definition of "Code of Ethics" there shall be added the following new definitions:

Amendment of regulation 2 of the principal regulations.

" "collective agreement" means the collective agreement for clerical employees employed at the Local Councils signed from time to time between the Local Councils Association and the trade union representing the majority of clerical employees employed by Local Councils;

"days and hours of work", for the purposes of an industrial action, refer to those days and hours as observed by the respective Local Councils administration, and for this purpose, Saturdays, Sundays and public holidays shall not be deemed to be working days;"

3. Regulation 11 of the principal regulations shall be amended as follows:

Amendment of regulation 11 of the principal regulations.

(a) in paragraph (d) thereof, immediately after the words "special leave for pregnancy" there shall be added the words "and another week without pay";

(b) in paragraph (g) thereof, immediately after the words "an Executive Secretary" there shall be inserted the words "or clerical employee"; and

(c) for paragraph (h) thereof there shall be substituted the following new paragraph:

"(h) Trade Union activities - three (3) working days special leave shall be afforded each year to the

members of the Group Committee (provided that the number of members does not exceed seven (7) persons) representing the clerical employees of Local Councils to attend for meetings, conferences, seminars or other similar Union activities provided that prior consent is given by the Mayor of the Council concerned."

Amendment of regulation 14 of the principal regulations.

4. The proviso to subregulation (4) of regulation 14 of the principal regulations shall be amended as follows:

(a) in paragraph (a) thereof, for the words "after 6.00p.m." there shall be substituted the words "after 5.30p.m."; and

(b) for paragraph (c) thereof, there shall be substituted the following new paragraph:

"(c) in the month of August the clerical employees shall work an average of six hours per day. After six (6) hours work there shall be a break of fifteen minutes, (even if working on half days). The two (2) hours per day worked less during this month shall be compensated during the other months of the year."

Addition of new regulation 14A to the principal regulations.

5. Immediately after regulation 14 of the principal regulations there shall be inserted the following new regulation:

"Reduced hours.

14A. (1) An employee who takes care of children under the age of five (5) years may submit a request in writing to the Executive Secretary in order to work on reduced hours. The request for this purpose shall be submitted at least two months prior to the need to make use of this concession.

The Executive Secretary shall immediately put forward such requests for the consideration of the Council together with his recommendations whether such request should be accepted or not. In any case the Council shall give its decisions in writing. Such requests shall not be for less than twenty hours a week based on a five day week period.

(2) It shall be at the absolute discretion of the Council on the basis of its exigencies whether to approve or not such requests. When such requests are approved by the Council, the Council shall establish the extent of the period by which the employee shall benefit from this concession subject to any other condition which the Council may impose, which shall be incorporated in a written agreement between the Council and the employee. The Council's decision shall be final.

(3) At all times the Council may withdraw this concession after giving two weeks notice in writing to the employee, provided that during the first year of the contract of employment the notice shall be of three weeks. The employee, to whom the concession to work on reduced hours has been granted, shall not on his own accord work on a full-time basis, but shall submit a written request to the Executive Secretary to work on a full-time basis. The Executive Secretary shall put the reasons before the Council, giving also his written recommendations. The request shall not be turned down without a valid reason. The decision by the Council shall be final and shall be immediately communicated to the employee by the Executive Secretary.

During the period of reduced hours, the salary to be paid and any other benefits to be granted, including any type of leave, to the employee shall be on a pro-rata basis."

6. Subregulation (1) of regulation 16 of the principal regulations shall be substituted by the following new subregulation:

Amendment of regulation 16 of the principal regulations.

"(1) (a) Vacant and, or new posts shall be filled by means of an internal call for applications issued by the Local Council within the Local Council concerned:

Provided that when the Council does not find anyone eligible for the vacant post, the Council shall issue a call

for applications in accordance with the provisions of the Act.

(b) After obtaining the necessary permit from the Employment and Training Corporation, the Council shall send a notice by means of electronic mail to all Local Councils inviting applications from amongst eligible clerical workers. All applications shall be considered and all applicants shall be called for an interview to be conducted by the Council. Every application submitted by any clerical employee of any Council shall automatically be short listed during the adjudication process".

Amendment of regulation 19 of the principal regulations.

7. Immediately after subregulation (4) of regulation 19 of the principal regulations, there shall be added the following new subregulation:

"(5) The level between 3% and 6% shall be assessed by means of a performance appraisal carried out on the form found in the Schedule; the performance appraisal is intended to assist the Local Council in evaluating the level of performance of the clerical employee concerned."

Amendment of regulation 20 of the principal regulations.

8. Regulation 20 of the principal regulations shall be amended as follows:

(a) in subregulation (1) thereof, immediately after the words "the written approval of the Council" there shall be added the words ", and this up to a maximum of 48 hours";

(b) for subregulation (2) thereof, there shall be substituted the following subregulation:

"(2) (a) Clerical employees shall be entitled to 192 hours of annual vacation leave, or such other amount as may, from time to time, be prescribed according to law. Vacation leave may be availed of as full days or half days, provided that three days may be availed of on a two hourly basis. A clerical employee shall avail himself of seventy per cent (70%) of his vacation leave by the end of September while the remaining thirty per cent (30%) shall be availed of by the end of the year.

(b) Vacation leave not availed of due to exigencies of work as determined by the Council may only be accumulated from one year to another through the written approval of the Council.

(c) All vacation leave shall be approved by the Executive Secretary after a written request by the clerical employee. As a rule, vacation leave of less than three days shall be applied for three days prior to the intended

vacation leave days, and vacation leave of more than three days shall be applied for a week prior to the said period of vacation leave:

Provided that this rule shall not apply for urgent vacation leave requests made by the clerical employee subject to such urgency being accepted by the Executive Secretary."; and

(c) immediately after subregulation (2) thereof, there shall be added the following new subregulation:

"(3) A clerical employee shall have the right to avail himself of sixteen (16) hours vacation leave, from the one hundred and ninety-two (192) hours vacation leave entitlement, in case of an emergency, for which documentary evidence must be provided by the clerical employee concerned."

9. Immediately after regulation 23 of the principal regulations there shall be added the following new regulation:

Addition of new regulation 23A to the principal regulations.

"Other leave and benefits.

23A. (1) A clerical employee may apply for unpaid leave totalling a maximum of forty (40) hours each year. This unpaid leave may be availed of at a minimum of four (4) hours at a time, and only on condition that the employee has utilized all his vacation leave entitlement and subject to the prevailing working circumstances.

(2) A clerical employee shall be entitled to three (3) months parental leave without pay for every new born child.

(3) The conditions regulating the health scheme as stipulated in regulation 13A shall, *mutatis mutandis*, apply to clerical employees of Local Councils."

10. In subregulation (1) of regulation 24 of the principal regulations, immediately after the words "published in the Human Resources Procedures." there shall be added the following new paragraphs:

Amendment of regulation 24 of the principal regulations.

"The contract of employment shall incorporate the conditions agreed upon in the collective agreement; in the absence of such conditions, the provisions of Part V of the Act shall, *mutatis mutandis*, apply:

Provided that clerical workers may be employed on a contract of less than three years in order to substitute clerical workers who are on long unpaid leave."

Substitution of regulation 34 of the principal regulations.

11. Regulation 34 of the principal regulations shall be substituted the following new regulation:

"**34.** The Executive Secretary and the clerical employees shall be entitled to a qualification allowance of -

Lm 400 - for Ph.D.;

Lm 300 - for a Masters degree;

Lm 200 - for a First Degree; and

Lm 100 - for a diploma,

or such other allowance as may be awarded in accordance with the procedure applicable to the public sector (General Service Grades) and subject that this qualification shall be related to functions connected with the Council:

Provided that such allowance shall not be awarded to the Executive Secretary or any other clerical employee who has successfully attended a course for prospective Local Councils Secretaries."

Addition of new regulation 34 to the principal regulations.

12. Immediately after regulation 34 of the principal regulations there shall be added the following new regulation:

"Training.

35. A clerical employee shall be provided with training and facilities to attend for training on matters related to such employee's functions on the Local Council. In case of university courses a clerical employee shall be entitled to one day special study leave in order to sit for an examination on that day."
