

STAFF REGULATIONS OF SPANISH PARLIAMENT¹

(as revised by the Bureaus of Congress of Deputies and Senate in their joint meeting of March 27, 2006)

Sect. 72, subs.1, of the Spanish Constitution fully proclaims the entrenched institutional autonomy of both Houses of Parliament by granting them the right “to lay down their own Rules of Procedure (*Reglamentos*)² and by mutual agreement the Regulations of the Parliament’s Staff”.

The peculiar *status* of those who work for Parliament, founded on history with an added legal basis in the above-mentioned provision, arises from the specific nature of parliamentary functions and is therefore a guarantee of a correct fulfilment and of the necessary qualifications required of those to whom the present Regulations apply.

Though a constitutional feature, the dual composition of Spanish Parliament (*Cortes Generales*), does not affect the unity of the Staff Regulations acknowledged by the Standing Orders of each House as the basic statutory set of rules, governing the rights, duties, administrative situations, functions and powers of the both Senate’s and Congress of Deputies’ civil servants.

The Bureaus of both Houses, as the competent governing bodies for laying down internal parliamentary regulations, accordingly adopted in their joint meeting on 23rd of June 1983, the Parliament’s Staff Regulations (State’s Official Gazette- hereinafter *BOE*- of June 29), later amended by joint decisions of both Bureaus of 7th February 1985 (*BOE* of February 19), 21st November 1985 (*BOE* of March 10, 1986), 25th April 1988 (*BOE* of May 17) and 20th February 1989 (*BOE* of March 2).

By their joint decision of the 26th June 1989 both Bureaus adopted a new full text to include the preceding alterations, as well as those resulting from the drawing-up of the organization charts plans of each of the two Secretariats-General and from new legal provisions enacted in the fields of industrial relations and civil service, That text has in turn been revised by successive partial reforms to bring it in harmony with the numerous innovations enacted since then or to include some particular measures. The Staff regulations have thus been further amended by agreements of the Bureaus of Congress of Deputies and Senate on nine occasions, namely joint meetings of 17th January 1991 (*BOE* of February 27), 28th 1994 (*BOE* of November 30), 11th July 1995 (*BOE* of July 26), 19th December 1996 (*BOE* of 4th February 1997), 17th July 1997 (*BOE* of August 13), 18th December 2000 (*BOE* of 7th February 2001), 12th July 2004 (*BOE* of July 23), 19th January 2005 (*BOE* of February 4).

¹ Original title: *Estatuto del Personal de las Cortes Generales*. Published in the Parliament’s Official Gazette (*Boletín Oficial de las Cortes Generales*, hereinafter in the main text *BOCG*), Series B (Internal Regulations), issue 73 of March 31, 2006.

² *Translator’s footnote* (hereinafter *N. of Tr.*)- We shall use indistinctly the words “Rules of Procedure” or “ Standing Orders”, according to the official British terminology in order to avoid monotonous repetition.

All these alterations reflect the need periodically to update a set of regulations which in general terms may retain its present structure and continue to govern according to its original principles the legal *status* of the Parliament's staff.

It has become necessary however to start an in-depth reform to strike a balance between the requirements and challenges to the Parliament as a continuously evolving constitutional body, working more efficiently and fully satisfying the needs of a Parliament in the present time, and the participation of a more dynamic, qualified staff capable of making its contribution to the discharge of the specific parliamentary tasks, with due respect to the constitutional principles of merit and capacity. Moreover in view of the time elapsed since 1889 it is highly advisable to have a complete and systematic text taking into account the various reorganizations that have taken place in the Public Administration at large, notwithstanding the parliament's privilege of functional autonomy.

This reform is essentially aimed at a greater involvement of parliamentary staff in the effective service of members of both Houses and at a better distribution of the available resources, and at the same time at increasing the personal and professional motivation in the fulfilment of duties and finally at laying down the foundations for an orderly and satisfactory growth of the administrative structure in the near future.

By virtue of the foregoing and according to Sect. 72, subs., of the Constitution, the Bureaus of Congress of Deputies and Senate have adopted at their joint meeting of the 27th January 2006, the following

STAFF REGULATIONS OF THE SPANISH PARLIAMENT

(Estatuto del Personal de las Cortes Generales)

CHAPTER I

PARLIAMENT'S STAFF.

Section 1

Parliamentary civil servants.

“Parliamentary Civil Servants” (*Funcionarios de las Cortes Generales*) means all those who, by legal appointment, are permanently employed in Parliament on a professional, service basis and are paid a salary out of the Parliament's own Budget.

Section 2.

Non-professional staff.

1.- Direct assistance on a personal confidence basis to members of the Bureaus and such other members of the Houses as may be determined by the Bureaus shall be carried out by non-professional personnel. Parliamentary Groups may avail themselves of this kind of staff within the total number to be allotted by the respective Bureau.

2.- Members of non-professional staff shall be freely appointed and discharged by the Speaker of each House, at the request of the head of the body to which such

Members are assigned. They shall in any case automatically cease to be members of parliamentary staff as soon as the head of said body ceases to hold his position.

Provided that the Bureaus of the Houses may make such provisional arrangements as they see fit for the periods when the House stands dissolved.

3.- The provisions contained in these Regulations for parliamentary civil servants shall also apply to non-professional staff, strictly in so far as they are not contrary to the nature of their functions. Non-professional staff may however in no circumstance hold positions or perform functions of Parliamentary Civil Servants.

4.- The Parliament's budget shall fix the salaries of non-professional staff.

Section 3

Staff belonging to the State's General Administration.

1.- Either House may request from the Government the secondment of staff belonging to specific function groups (*Cuerpos*) of the State's General Administration (*Administración General del Estado*) for the fulfilment of security functions and of tasks other than those legally entrusted to the different groups of Parliamentary Civil Servants.

2.- Seconded staff, notwithstanding their continuity in an active employment position in their original function groups, shall report in every respect to the Speaker and to the Secretary-General of the House to which they have been assigned.

Section 4.

Contract staff.

1.- Congress of Deputies and Senate may engage as many employees as necessary for the performance of functions not legally entrusted to parliamentary civil servants, in the positions proved for to his end by the respective establishment plan.

2.- Employed staff shall be deemed as engaged by each House and paid out of the appropriations included for this purpose in the budgets or Congress of Deputies and Senate. The Bureau of each House shall lay down the procedure for the selection of employees.

Section 5

Competent bodies in personnel matters.

1.- Powers in personnel matters shall be the responsibility of the Speakers and the Bureaus of Congress of Deputies and the Senate, jointly or separately, as well as of the Secretary –General of the Congress of Deputies and the Chief Clerk of Senate (*Letrado Mayor del Senado*).

2.- The Staff Board (*La Junta de Personal*) shall take part in the exercise of the aforesaid powers in the circumstances and the manner provided for in these Regulations.

Section 6.

Secretary-General and Chief Clerk.

1.- The Congress of Deputies' Secretary-General and the Senate's Chief Clerk shall be appointed by the bureau of each House on the Speaker's proposal among members of

the professional group of Legal Advisers to Parliament (*Letrados de las Cortes Generales*) with five or more years of active service in this capacity.

2.- Deputy Secretaries-General of Congress of Deputies and Deputy Chief Clerks of Senate shall be appointed by the respective Bureau on a proposal by the Secretary-General of Congress or the Chief Clerk, as the case may be, among members of said group of Legal Advisers to Parliament.

3.- The holders of these positions shall vacate them by resignation, designation of the body who appointed them, forfeiture of the legal quality of parliamentary official, transfer to a position other than that of active employment or inability to perform their functions.

4.- The Congress of Deputies' Secretary-General shall hold the office of Chief Clerk of Parliament (*Letrado Mayor de las Cortes Generales*), unless the joint Bureaus of both Houses decide to fill the position independently.

CHAPTER II

PARLIAMENTARY CIVIL SERVANTS.

Section 7

Function groups of Parliamentary civil servants

1.- The following shall be the function groups of Parliamentary civil servants (*Cuerpos de funcionarios de las Cortes Generales*):

- Clerks of the Parliament (Legal Advisers);
- Archivist-Librarians of Parliament (*Archiveros-Bibliotecarios de las Cortes Generales*);
- Specialized Advisers to Parliament -Journalist, Engineering and so on- (*Asesores Facultativos de las Cortes Generales*);
- Shorthand Typists and Writers of the Daily Report of Debates (*Redactores Taquígrafos y Estenógrafos de las Cortes Generales*);
- Technical-Administrative Staff of Parliament (*Cuerpo Técnico-Administrativo de las Cortes Generales*);
- Administrative Staffs of Parliament (*Cuerpo Administrativo de las Cortes Generales*) and
- Ushers of Parliament (*Ujieres de las Cortes Generales*).

2.-. Parliamentary civil servants shall discharge their functions at the Congress of Deputies, the Senate or the Central Elections Board (*Junta Electoral Central*) by occupying the positions set out in the respective establishment plans.

Section 8

Functions of the Groups of Parliamentary civil servants.

1.- Clerks of the Parliament Legal Advisers, (*Cuerpo de Letrados*) shall have the function of giving legal and technical advice to the Speaker and to the Bureau of each House to Committees and their bodies, to Subcommittees and their divisions and to Panels of Bill Reporters (*Ponencias*), as well as drafting, in accordance with the decisions of said bodies, the resolutions, reports and opinions thereof and of the

corresponding minutes of proceedings; the defence and representation of Parliament, Congress of Deputies and Senate, of the Central Elections Board and of any organs and bodies related or reporting to the above-mentioned, before the Courts of Justice and the Constitutional Court. They shall further discharge the function of writing high-level studies and proposals and it shall be responsible for the management of Parliament's Administration, by holding the relevant high positions.

2.- It is the responsibility of Archivists-Librarians to organize and to manage the documentary and bibliographic collections available in either House and to publicize them through the appropriate offices, as well as to keep and take care of the Parliament's documentary and bibliographic wealth; to assist and give advice and to make reports, research and high-level proposals in matters within their remit. They are accordingly entitled to hold the leading positions of the relevant services and to have access to the function of command in matters falling within their speciality, as determined from time to time by the organization chart.

3.- Specialized Advisers to Parliament is entrusted with giving assistance and advice, making reports, research and high-level proposals in matters coming within the field of competence, and shall hold the leading posts in their special branches in the terms to be determined from time to time by the organization chart.

4.- Shorthand Typists and Writers of the Daily Report of Debates are responsible for total reproduction of speeches and events in plenary sittings and committee meetings of either House which they have attended, and for the drafting of said Daily Report and are entitled, as such, to assume the leading position in the relevant services as determined from time to time by the organization chart.

5.- Technical-Administrative Staff are responsible for the administrative and parliamentary management, for performance, inspection of and giving impulse to proceedings and for making studies and proposals of a clerical nature, and is entitled as such to lead the corresponding divisions, as shall be determined from time to time by the organization chart.

6.- Administrative Staff of Parliaments shall discharge the routine administrative tasks and those of support to management, research and proposals of an administrative nature; work processing and other information technology applications relating to administrative procedure, as well as the register, classification, transcription and filing of documents, and shall hold in this capacity the leading positions in the office units to be determined from time to time by the organization chart.

7. – Ushers shall carry out the function of watching, access control and custody inside parliamentary premises, as well as of controlling internal movements, orientating and escorting visitors, without prejudice to the security functions entrusted to the officials mentioned in Section 3; assisting and helping during the meetings of the House's different bodies; assisting in ceremonial activities taking place at such meetings; reproducing, carrying and distributing documents, items and the like, and any other supporting tasks for administrative units may be entrusted to them in the special services to which may have been assigned, and they are entitled in this capacity to assume the lead of the relevant divisions as determined from time to time by the organization chart.

CHAPTER III

RECRUITMENT OF PARLIAMENTARY CIVIL SERVANTS AND TERMINATION OF SERVICE.

Section 9

Recruitment of Parliamentary Civil Servants.

1.- The selection of applicants for civil service in Parliament shall be carried out on the basis of merit and capacity, as provided for in Section 10 of these Staff Regulations.

The access to Parliament's civil service of disabled persons shall be founded on the principles of equal opportunities and redress of disabilities, and the terms of the corresponding public notices shall be adapted accordingly whenever necessary.

2.- Admission to selection procedure shall require at least:

- a) To be a Spanish citizen and to be of age³;
- b) To be in possession of the corresponding diplomas or to be able to obtain them on the date appoint as time-limit for application;
- c) Not being barred from the exercise of public functions by a court's final decision;
- d) Not suffering from illness or disability preventing the performance of the relevant duties;
- e) To meet the conditions laid down in the corresponding public notice.

3.- In the notice of competitions for access no conditions may be laid down that imply discrimination based on race, sex, religion, opinion, place or birth or residence or any other conditions or circumstance of a personal or social nature and no questions may be asked concerning the applicants' ideology, religion or beliefs.

4.- Parliament shall provide, whenever it deems it necessary, the personal and materials means contributing to the training of applicants for entry in the different function groups of parliamentary civil servants.

Section 10

Recruitment of function groups of civil servants.

1.- Recruitment in the group of Clerks or Legal Advisers shall take place on the occasion of vacancies by public notice of an open competition test. It shall require however to be in possession of a law university degree.

2.- Recruitment into the Group of Archivists-Librarians shall be, whenever there are vacancies, by public notice of open competition test. It requires however possession of a Master of Arts (*Licenciado en Filosofía y Letras*) diploma, in any

Branch thereof, or a university degree in Documentation, Law, Political Science, Economics and Business Science, Sociology or Information Media (*Ciencias de la Información*).

3.- Recruitment into the Group of Specialized Advisers shall be conducted, whenever vacancies arise through public notice of an open competition. Each notice shall determine the relevant specialty or specialties and the type of university or high-school diploma required for the performance of the corresponding duties. This may require, *inter alia*, to be in possession of a University Degree or an equivalent high-school degree in Political Science, Economics and Business Science, Sociology,

³ N. of Tr.- That is to say 18-year old at least.

Information Media, Civil Engineering, Architecture, Information Technology or High Telecommunications Engineering.

4.- Recruitment into the Group of Shorthand Typists and Writers of the Report of Debates shall be conducted, in case of vacancies, through public notice of an open competition between all those in possession of a medium university diploma⁴ or an equivalent one.

5.-Recruitment into the Group of Administrative Staff shall be conducted, of the occasion of vacancies, by public notice of an open competition between all those in possession of a diploma of Secondary Education (*Bachillerato*), Second-Degree Professional Training or an equivalent one.

6.- Recruitment into the Group of Ushers shall be conducted, whenever vacancies arise, by public notice of an open competition between all those possessing the a first-degree diploma of Compulsory Secondary Education.

7.- It is the duty of the Bureaus of both Houses in joint meeting and after compliance with the provisions of Section 57, to determine the annual notice of all free positions in offer and to officially to announce competitions for admission to the Parliament's civil service.

The annual notice shall provide for the necessary number of posts to be filled in each function Group in order to ensure correct functioning of the Secretariat-General of each House and facilitate civil servants' opportunities of promotion.

Section 11

Closed competitions and reservation of posts.

1.- In each public notice twenty-five per cent (25%) of the posts to be filled, shall be reserved for a closed competition (*turno restringido*) between members of other Groups of parliamentary civil servants possessing the necessary qualifications. If in applying said percentage the resulting figure is not a whole number and the decimal fraction equals or exceeds 0.5, the number of positions so reserved shall be increased by one unless the total number of posts on offer is less than three, in which case all of them shall be open to free competition. In any case positions reserved to the closed contest that are not filled shall be added to the posts on open competition (*turno libre*).

2.- A quota (*un cupo*) of 10 (ten) per 100 of the posts to be filled shall be reserved to persons with disabilities of a degree equalling or exceeding 33 (thirty-three) per 100, provided that they meet the conditions set out in the notice, they pass the selective tests and are able to attest their alleged degree of disability and its compatibility with the performance of the relevant tasks and duties. If the figure resulting from application of the above-mentioned percentage is not a whole number and the decimal fraction equals or exceeds 0.5, the positions so assigned shall be increased in one. In any case one post shall be reserved when application of said percentage results in a figure below one, if the total number of positions equals or exceeds three. The posts assigned to this quota which are not filled shall be added to those on free competition.

⁴ *N. of Tr.*- I.- e. of a diploma attesting that the applicant has successfully completed university studies of at least three years.

Section 12

Internal competition.

1.- Before each public notice of open competition a contest may be held for positions reserved for entry through internal competition. Such contest shall be open to civil servants of the Groups immediately below the positions offered, provided that they have served a least four years in their respective Group and possess the qualifications required.

2.- The number of positions for internal promotion, as well as the choice of the function Groups whose civil servants shall be entitled to said promotion, shall be determined by joint meeting of the Bureaus of both Houses in their decision announcing each competition, after compliance with the provisions of Section 57. Posts not covered in the competition so announced shall be added to those offered in the general notice of open contest.

3.- The selection procedure may be carried out through the systems of tests competition (*oposición*) or mixed qualifications-tests competition (*concurso-oposición*)⁵. The corresponding notice shall set out the tests which all applicants must successfully perform, excluding those on matters of which applicants have proved to be knowledgeable by their admission to their original Group.

4.- Parliamentary civil servants admitted to other Groups through the system of internal competition shall in any case have priority for filling the vacancies over applicants not comprised in this category.

Section 13

Training and perfecting.

1.- Parliament shall organize and sponsor the attendance to training of perfecting stages for its civil servants in order to facilitate their promotion and improving the quality of service. To this end there shall in both Secretariats-General a training unit (*unidad de formación*) entrusted with carrying out the respective House's policy in this field. The staff's representative bodies shall take part in the training schemes in the manner proved for in Sect. 55, subs. 1, paragr. b), and Sec. 57, subs. 4, paragr. c).

2.- Special leave from serviced may be granted for research on matters directly relating to parliamentary civil service, following a report of the immediate superior and with the authorization of the relevant Secretary-General. During the research the official is entitled, for a maximum period of one year, to per 100 of his salary as well as to the seniority increases to which he may be entitled.

3.- Parliament shall likewise promote conditions enabling its civil servants to have access to education and culture.

Section 14

Acquisition of civil servants' quality.

1.- In order to become a Parliamentary civil servant the following conditions are required:

⁵ *N. of Tr.*- A mixed qualifications-tests competition is one where only officials already having some particular qualifications are admitted to ensuing tests.

- a) To pass the corresponding selection tests;
- b) To be duly appointed by joint decision of the Speakers of Congress of Deputies and Senate;
- c) To take the oath or make the affirmation to abide by the Constitution and the law and to discharge one's duties impartially;
- d) Enter functions effectively (*toma de posesión*) within one month of notification of the appointment.

Section 15

Termination of service.

1.- Service shall be terminated by:

- a) Resignation, which shall not be however a cause of disqualification for reintegrating civil service;
- b) Loss of Spanish nationality, provided that in case of recovery, reintegration in civil service may be applied for;
- c) Expulsion by disciplinary measure. And
- d) Disqualification from public office as main or accessory penalty inflicted by a court of justice.

2.- Service is also terminated by compulsory or, as the case may be, voluntary retirement.

Section 16

Retirement.

1.- Compulsory retirement (*jubilación forzosa*) shall be declared *ex officio* when an official reaches the age of sixty-five (65) years. There shall be however no such declaration when the official voluntarily extends his active service by informing in writing the Clerk Secretary General of Parliament⁶, until the age of seventy years. To this end civil servants must send in their notice two months before the date on which they become sixty-five years old.

Parliamentary civil servants may nevertheless renounce their right of extension by notification to this end three months in advance of the date on which they wish to retire.

Extension may be exceptionally prolonged until 72 (seventy-two) years of age by decision of the Bureau where the official is serving, which shall take into account the applicant's merits and the functions he may be able to discharge. In any case no official may hold a position which a special post bonus (*complemento de destino*) attached to it from the date on which he reaches 70 (seventy) years of age.

2.- Retirement shall also apply when an civil servant is suffering a permanent disability for the discharge of his duties, and it shall be decided after an administrative procedure, either *ex officio* or at the civil servant's request, at which the official in person must be heard.

⁶ N. of Tr.- That is to say, to the Secretary-General of Congress (*vice supra* Sect. 6, subs. 4).

3.- Parliamentary civil servants may apply for retirement on a voluntary basis (*jubilación voluntaria*) when they reach sixty years of age or after having completed thirty-five (35) years of active service in Parliament or in any other public body.

CHAPTER IV

ADMINISTRATIVE STATUS.

Section 17

Parliamentary Civil Servants' professional situations.

1.- Parliamentary civil servants may be in one of the following situations:

- a) Active employment (*servicio activo*);
- b) Special employment;
- c) Voluntary leave (*excedencia voluntaria*);
- d) Parental or family leave;
- e) Pending appointment (*expectativa de destino*) and
- f) Disciplinary suspension.

Section 18

Active employment.

1.- Parliamentary civil servants in active employment are those:

- a) Holding a position reserved to parliamentary civil servants and comprised in the organization chart of the Congress of Deputies, the Senate of the Central Elections Board;
- b) Having been seconded (*comisión de servicios*) to international bodies, public entities, foreign Governments, international cooperation programmes or Parliaments or Legislative Assemblies of Spanish Self-Governing Communities (*Comunidades Autónomas*), for a period not exceeding six months.

2.- Parliamentary civil servants in active employment shall have all the rights, duties and responsibilities attached to their status.

Section 19

Special employment.

1.- Parliamentary civil servants shall be in special employment (*situación de servicios especiales*) whenever:

- a) They have been authorized to carry out a concrete assignment for no longer than six months in international bodies, foreign Governments or public entities or international cooperation programmes or in any other body referred to Sect, 18, subs, 1, paragr. b);
- b) They have become officials in the service of international or supra-national organizations or are serving the Spanish State abroad.
- c) They have been appointed to political or free designation positions (*cargos políticos o de confianza*) in any constitutional body, in the Government, in a Self-Governing Community, in the State's Administration or in local institutions or entities;

d) They become members of Congress. Senators, members of European Parliament or members of the Parliament or Legislative Assembly of a Self-Governing Community, or whenever appointed to an elected and remunerated position in any local authority on a full commitment basis;

e) They are appointed members of the Constitutional Court or of the General Judiciary Council (*Consejo General del Poder Judicial*), President of the Council of State (*Consejo de Estado*)⁶, member of the Auditing Court (*Tribunal de Cuentas*) or Ombudsman (*Defensor del Pueblo*) or Deputy Ombudsman or member of the Council provided for in Sect. 131, subs. 2 of the Constitution⁷, and

f) It is so provided by a statutory instrument having the force of an Act of Parliament.

2.- Parliamentary civil servants in special employment shall have a right to reservation of a basic level position in their function Group. In case they have been holding a specific post by virtue of a qualifications competition and if reintegration takes place within one year from their transfer to special employment status, they shall be entitled to hold that particular position if this is vacant. Should the post not be vacant or if more than one year has elapsed since transfer to special employment, civil servants in this situation shall be entitled for a maximum period of two years from the date of reintegration into active employment to seventy-five per cent (75%) of the position bonus (*complemento de destino*) attached to that post until such time as they are appointed to one of the remaining positions reserved to their function Group.

3.- Parliamentary civil servants in special employment shall have the time spent in this situation taken into account for all promotion, seniority and pension purposes, and they may also take part in qualification competitions for any positions in accordance with Section 33 of these Regulations.

4.- Parliamentary civil servants in special employment shall not on the other hand be entitled to the remuneration as Parliamentary civil servants, except those attached to seniority.

Section 20

Leave on personal grounds.

1.- Parliamentary civil servants shall be declared to be on leave on personal grounds (*en situación de excedencia voluntaria*) at their own request in the following cases:

a) Whenever they go into active employment (*situación de servicio activo*) in other function Groups of Parliament or any other public body, except those entrusted with education, or to the Government's service abroad, or into positions falling under the general provisions on disqualifications (*incompatibilidades*) and this change does not entail any special status in conditions of service.

b) When, after the cause for which they were declared to be in a special employment situation having disappeared, they do not apply for reintegration into active employment within thirty days; in this case the declaration of leave on

⁶ *N. of Tr.*- That is to say, of "the supreme consultative organ of the Government" (section 107 of Constitution).

⁷ *N. of Tr.*- A special council (whose membership and duties shall be laid down by an Act of Parliament) to be set up for the drafting by the Government of "planning projects in accordance with forecasts supplied by Self-Governing Regions and with the advice and cooperation of trade unions and other professional, employers' and financial organizations".

personal grounds shall have effect from the day on which such cause has ceased to exist.

2.- Voluntary leave on personal grounds may also be granted to civil servants who so request on personal grounds, but not before they have completed three years in active employment since their admission as Parliamentary civil servants.

Permission for voluntary leave on personal grounds shall be in any case subject to the proper functioning of services and shall not be granted to civil servants under disciplinary procedure nor to those whose sanction has not yet been fully executed.

3.- Parliamentary civil servants on voluntary leave shall not be entitled to any remuneration and the time spent in said situation shall not be taken into account for promotion, seniority or pension purposes.

4.- Time spent in this situation shall be taken into account for promotion, seniority and pension purposes. Parliamentary Civil servants are also entitled during the first year of each period of leave, to reserve of their post, whether basic or a specific one gained through a qualifications competition. After the first year they are further entitled for a maximum of two years from the date of reintegration to 75 (seventy-five) per 100 of the position bonus attached to said post, until such time as they are appointed to any other position corresponding to their function Group.

Section 21

Leave on parental or family leave.

1.- Parliamentary civil servants are entitled to a period of leave not exceeding three years to take for each child to tender to each child, whether natural, adopted, in permanent or preadoptive fosterage (*acogimiento permanente o preadoptivo*), from the date of birth or, as the case may be, of the judiciary of administrative decision. Next children shall entitle to new periods of leave which shall cancel the immediately former period if not yet completed.

2.- Parliamentary civil servants are also entitled to a leave of the same duration for tendering to a relative under their care, up to the second consanguinity of affinity degree, who, because of age, accident or illness, is unable to take care of himself.

3.- This right of leave is an individual, If two civil servants are entitled to it on account of the same person, Parliament's Administration may restrict its simultaneous exercise on justifiable grounds relating to the functioning of services.

4.- Time spent in this situation shall be taken into account for promotion, seniority and pension rights. Parliamentary Civil servants are further entitled during the first year of each period, to reservation of their post, whether a basic or a specific one gained through a qualifications competition. After the first year they are also entitled to be paid, for a maximum period of two years from the date of reintegration, 75 (seventy-five) per 100 of the position bonus attached to said post until such time as they are appointed to any other position corresponding to their function Group.

Section 22

Pending appointment.

1.- A Parliamentary civil servants is deemed to be awaiting appointed (*en la situación de expectativa de destino*) whenever he is unable to obtain reintegration into active employment after the end of voluntary leave, parental or family leave for more than one year or suspension on disciplinary grounds.

2.- Parliamentary civil servants in this situation are entitled to basic remunerations as to salary and seniority as well as to the taking into account of the whole period for calculation of retirement pension and seniority. They shall be in any case at Parliament's disposal for the discharge of replacement or deputizing duties in the function Group to which they belong.

Section 23

Disciplinary suspension.

1.- Parliamentary civil servants formally suspended shall be temporarily discharged from the exercise of their duties and of rights attached to their capacity as such. Suspension may be temporary or final (*provisional o firme*).

2.- Temporary suspension may be imposed as a cautionary measure in the course of criminal or disciplinary proceedings against an official, by the authority having jurisdiction to institute such proceedings, after a report by the Personnel Board (*previo informe de la Junta de Personal*).

3.- Temporary suspension as a result of a disciplinary procedure may not exceed six months, except in case of interruption attributable to the official in question. The official under suspension is entitled to 75 (seventy-five) per 100 of his salary plus seniority increase, both in monthly and annual payments, but may in no case receive extra daily allowance (*complemento de jornada*) nor the position bonus allocated to them. The interruption of the proceedings due to his own fault shall entail the loss of any remuneration as long as such interruption persists, and no remuneration shall be paid either if the official fails to attend or give evidence in the proceedings.

4.- Where an civil servant is acquitted in criminal proceedings or in disciplinary procedure or the sanction imposed is less than suspension, the duration of the latter shall be considered as active employment time, subject to immediate reintegration into his position, with all remuneration and other rights being acknowledged as from the date of effective suspension.

5.- Suspension shall become final when imposed following a criminal sentence or disciplinary sanction. It may not last however more than six years, including the previous period of temporary suspension.

Section 24

Reintegration into active employment.

Those who do not have their position reserved shall nevertheless be entitled to reintegration on the occasion of vacancies, subject to the following order or priority:

- a) Suspended Parliamentary civil servants;
- b) Civil servants on parental or family leave;
- c) Those on voluntary leave under Sect. 20, subs.1; and
- d) Those on voluntary leave under subs. 2 of said Section 20.

CHAPTER V

RIGHTS OF PARLIAMENTARY CIVIL SERVANTS.

PART I

GENERAL PROVISIONS.

Section 25

Rights of Parliamentary Civil Servants.

Parliamentary civil servants in active employment shall have the following rights:

- a) To hold one of the positions to which they are entitled as members of their function Group and within the limits foreseen in the respective organisation chart;
- b) To receive the corresponding remuneration;
- c) To the respect of their privacy and the acknowledgment of their personal and professional dignity;
- d) To fixity of residence;
- e) To a full career involving promotion and advancement according to these Regulations;
- f) To an adequate social security protection, on the terms to be decided by the Bureaus of Congress of Deputies and Senate at a joint meeting, after a report by the Personnel Board. The benefits granted shall in no case be less than those provided for in the social security regime for the State's General Civil Service (*funcionarios de la Administración Central del Estado*); and
- g) To all others provided for in these Regulations.

PART II

HOLIDAYS AND TEMPORARY LEAVES OF ABSENCE.

Section 26

Annual holidays.

1.- All Parliamentary Civil Servants are entitled for each full year of employment to a paid holiday (*vacación retribuida*) of one month or twenty-two working days (*días hábiles*) per year or to a number of days in proportion to the time of effective employment.

2.- They are further entitled to an additional working day upon attainment of fifteen years of service, and to one working day more respectively upon attainment of twenty, twenty-five and thirty years of service, up to a total twenty-six working days per year. This right shall be effective from the year following that on which said service years have been completed.

Section 27

Sick leave, leave for childbirth and leave for severance.

1.- Diseases preventing normal discharge of duties shall give right, if duly justified, to a leave of up to six months with full pay, extendable for another six months. Such leave may be prolonged month by month for a further six months on a strict basic remuneration basis, except in case of retirement on grounds of disability.

The same leave shall be granted whenever the existence of risk during childbirth has been previously declared.

2.- Parliamentary Civil Servants shall be entitled to seven workdays leave on the occasion of childbirth, fosterage or adoption, as from the date of birth, fostering or adoption.

3.- Breastfeeding of a child under one year shall give right to one hour off work, either at the beginning or the end of working day, or two half-hour breaks at the beginning and the end thereof. This right may be exercised indistinctly by father or mother, if they are both employed. Breastfeeding leave shall be proportionally increased in case of multiple childbirth.

This leave may be replaced at the father's or mother's request by a four-week extension of the leave contemplated in Section 28, subs. 2.

4.- In case of premature childbirth or if the mother must remain for some reason in hospital after childbirth, mother or father shall be entitled to absence from work for one hour and also to a reduction of up to two hours of working day.

5.- Parliamentary civil servants shall be further entitled to a leave of four workdays in case of serious illness, admission to hospital or death of a relative up to the second degree of consanguinity or affinity.

6.- Leave up to ten days may be granted with full pay whenever there are justified reasons for it with an aggregate limit of twenty days per annum.

7.- Parliamentary civil servants taking part as candidates in electoral campaigns are entitled to leave of absence with full pay for the whole duration thereof.

8.- Unpaid leave may be granted on personal grounds (*permiso por asuntos propios*), for an aggregate limit of three months every two years.

Section 28

Leave for marriage, pregnancy and childbirth, adoption or fosterage.

1.- Parliamentary civil servants are entitled to a leave of fifteen days by reason of marriage.

2.- In case of pregnancy the duration of leave shall be sixteen weeks without interruption, extendable in case of multiple childbirth for two further weeks per child from the second child onwards. Leave may be arranged at the mother's choice, subject to the condition that six weeks on leave are those immediately after childbirth. In case of the mother's demise the father shall be entitled to the total leave or, as the case may be, to the remaining part thereof.

3.- Notwithstanding the preceding subsection, and in addition to the six weeks for mother's recovery immediately following childbirth, whenever both father and mother are employed, the mother shall have an option, at the beginning of said recovery period, to transfer to the child's father her right of leave for a definite part without interruption, either simultaneously or immediately after the mother's own period, unless at the moment of said option mother's reintegration involves a risk to her health.

4.- In case of adoption or fosterage, either in pre-adoption or of a permanent nature, of children of up to six years of age, leave shall be for sixteen weeks without interruption, extendable in case of multiple adoption or fostering for two weeks by child from the second one onwards, from the date, at the official's choice, either of the administrative or judiciary fosterage decision or of the judiciary resolution declaring adoption.

The duration of leave shall likewise be sixteen weeks in case of adoption or fostering of minors above the age of six years, if they are disabled or partly invalid or if, because of personal circumstances or experience or of foreign origin, they have specific difficulties for social and family integration, duly attested by the relevant social services

Full use of leave on grounds of fosterage shall be an impediment for a new leave at the moment of formal adoption. If the applicant has not made full use of the six –week period at the moment of fostering, he shall be entitled to the remaining part thereof immediately after adoption.

If both father and mother are employed, leave shall be shared out between them, either simultaneously or successively, without interruption in any case. In case of simultaneous use of leave, the aggregate time thereof shall not exceed the sixteen weeks provided for in the preceding subsections or those applicable in case of multiple childbirth.

In cases of international adoption where parents must necessarily travel to the adopted person's country of origin, commencement of leave contemplated for each case in this section may be delayed until four weeks before the resolution declaring adoption.

5.- The categories of leave provided for in this Section shall be on full pay. Provided that, whenever possible and taking into account the needs of service, flexible arrangements may be sought for use of these rights by agreement between the official in question and the Secretariat-General of the relevant House.

Section 29

Grant of leave.

1.- Decision on the grant of leave shall be the responsibility of the Secretary-General of the House where the official in question is working, according to the provisions of these Regulations.

PART III

REMUNERATION.

Section 30

Basic and complementary remunerations.

1.- Parliamentary civil servants shall receive the following basic remunerations (*retribuciones básicas*):

- a) Their salary (*el sueldo*), which shall be a uniform amount for all officials belong to the same function Group;
- b) Seniority increase (*retribución por antigüedad*), which shall consist of a percentage of salary calculated in relation to the years of active employment in each function Group and of a fixed amount from completion of each five years of active employment in each Group. If the official gains admission to another Group, the amounts to which he may be entitled for one or more complete five-year periods as a parliamentary official shall be those corresponding to the Group to which he belonged at the date of completion of each of such periods.

2.- Parliamentary civil servants shall further receive the following complementary remunerations (*retribuciones complementarias*):

a) Workday bonus (*complemento de jornada*), intended to remunerate Parliamentary civil servants of the same Group according to the number of hours worked, within the hour-schemes laid down to this end by the Bureau of each House in the organization chart. Full payment of this bonus shall be incompatible with other remuneration out of funds of other public bodies and with private practice, except teaching and research activities not subject to full-commitment status.

b) Position bonus (*complemento de destino*), intended to remunerate civil servants working in positions specifically set out in the organization charts, for an amount determined by the Bureaus of both Houses meeting jointly, and reflecting, apart from the provisions of the preceding paragraph, the special requirements in terms of availability, workload or responsibility involved in the positions so defined in said charts.

c) Special bonus (*complemento específico*) to remunerate civil servants working in the posts defined to this end at a joint meeting of the Bureaus of both Houses, in view of the specific conditions of some positions in terms of technical difficulty, commitment, responsibility, danger, strenuous physical effort or availability.

3.- Parliamentary civil servants shall further receive two extra pays (*pagas extraordinarias*) per year, for the amount of one month each, payable in June and December. If an official has not been in active employment during the whole period or has moved from one position to another during that period- the amount of extra pay shall be calculated in the corresponding proportion.

4.- Parliamentary civil servants shall also be entitled, under the category of non-ordinary remunerations (*retribuciones extraordinarias*), to daily subsistence allowances (*dietas*), indemnities on grounds of unusual assignments (*indemnizaciones en razón de servicios extraordinarios*) and of expenses incurred in performance of service.

Section 31

Consolidation of position bonus.

1.- Employment in a post with a position bonus shall entitle its holder, after having left said position, to consolidation of said bonus in the following percentages depending the time spent in said position:

- In case of forced termination, after having served in that post two continuous years or three years with interruption, the official shall be entitled to 20 (twenty) per 100 of the corresponding bonus;
- In case of termination, either forced or on a voluntary basis, and after having served four uninterrupted years or ten years with interruptions, the official shall be entitled to 35 (thirty-five) per 100 of said bonus;
- In case of forced or voluntary termination Parliamentary civil servants having served eight continuous years or ten discontinuous years of service shall be entitled to 50 (fifty) per 100 of the bonus;
- In case of termination, either forced or voluntary, after twelve continuous or fifteen discontinuous years of employment in the position, the official shall be entitled to 65 (sixty-five) per 100 of said bonus;

- In case of forced or voluntary termination after fifteen or more uninterrupted years or twenty or more years with interruptions in said position, the official concerned shall be entitled to 80 (eighty) per 100 of the bonus.

2.- For the purposes of the preceding subsection there shall be deemed to be no interruption in the holding of the position if in a delay not exceeding one month after removal from said position, another post is obtained with a position bonus attached to it.

Where an official is appointed to a post with a higher position bonus than that which he was been paid pending the consolidation, the time of service in the new position shall be taken into account, if it is not sufficient for the corresponding consolidation, for the consolidation of the bonus he was originally being paid. Conversely, an official appointed to a position with a lower bonus than that to which he was entitled in his previous post pending consolidation, is entitled, if the time of employment in the posts or posts with a higher bonus is not sufficient for consolidation of the relevant bonus, to have said time counted for consolidation of the bonus corresponding to the new position.

3.- Temporary employment in a post with a position bonus shall be taken into account for consolidation of said bonus according to Section 36. However, Parliamentary Civil Servants on parental or family leave under Section 21 shall have their first year of leave to taken into accounted for the corresponding consolidation.

4.- No amount may be paid as consolidation of position bonus in excess of 80 (eighty) per 100 of the bonus attached to the highest-ranking administrative position in which such consolidation has been gained.

5.- Parliamentary civil servants working only part-time shall have their consolidated position bonus reduced by one-third.

6.- On appointment to a post with a position bonus Parliamentary civil servants shall opt between receipt of said bonus and receipt of the consolidated position bonus to which they may already be entitled, but the time they spend in the new post shall be taken into account in any event for consolidation of bonus position according to the preceding subsections.

7- The right to receive a consolidated position bonus shall be incompatible with receipt of the percentage of said bonus referred in subs. 2 of Section 19 and subs. 14 of Section 21, and to this end the official concerned shall have to make the necessary option.

Section 32

Proportion between remunerations.

1.- Remunerations of Parliamentary Civil Servants shall have keep the following proportion between them:

- a) There shall not be a difference exceeding a 1 to 4 (one to four) ratio between basic remunerations of the function Groups with the lowest and the highest one respectively;
- b) Seniority, nature of duties and position being equal, differences within each function Group shall not exceed a ratio of 1 to 5 between the aggregate remunerations of members of said Group with the lowest and the highest totals respectively.

2.- Basic remunerations shall make up at least 60 (sixty) per 100 of civil servants' aggregate remuneration.

3.- The Personnel Board shall report in advance and in a maximum delay of eight days over the changes in appropriations relating to Parliamentary civil servants' contained in Parliament's Budget.

PART IV

APPOINTMENT TO POSITIONS.

Section 33.

Appointment to posts.

1.- Filling of posts among Parliamentary civil servants shall be based on the principles of merit, capability and seniority and carried out through an appropriate public competition setting out the requirements for admission to the position or positions concerned, as provided for in the organization charts, these shall make due distinction between the systems of qualifications competition (*concurso*) and free designation (*libre designación*).

Section 34

Qualifications competition system.

1.- Qualifications competition shall be the normal system of appointment.

2.- The standards for allocation of positions by qualifications competition shall the grading criteria laid down by the Head Clerk of Parliament (*Letrado Mayor de las Cortes Generales*), after compliance with Section 57.

3.- The appointment to posts attained by way of qualification shall be made by the Secretary-General of Congress of Deputies or the Senate's Clerk (*Letrado Mayor del Senado*), whichever is the House to which the post belongs.

4.- Newly recruited officials shall fill the vacancies arising from the competitions to occupy positions. They may nevertheless be appointed to other posts depending of the services demands.

Section 34

Free designation.

1.- The free appointment system shall be applied for the posts of Director and those of immediate assistance to the Secretary-General of the Congress of Deputies, the Clerk of the Senate, Deputy Secretaries-General (*Secretarios Generales Adjuntos*) of Congress, Deputy Clerks (*Letrados Mayores Adjuntos*) of Senate and Directors of Senate. Provided that the corresponding organization charts may exceptionally apply the designation system to other positions whose special features make it advisable.

2.- Holders of Directions shall be freely appointed by the Bureau of the House concerned on a proposal by the Secretary-General of Congress of Deputies of the Clerk of Senate or, as the case may be by the joint Bureaus of both Houses, on the Head Clerk of Parliament's proposal.

3.- In all other cases where free designation is the apposite system, the Director of the relevant division shall make a formal proposal and the Secretary-General of the

Congress of Deputies or, as the case may be, the Clerk of Senate shall make the appointment.

Section 36

Discharge of duties of the position, vacancies and temporary appointments.

1.- Parliamentary Civil Servants shall discharge the duties arising from the nature of their position.

2.- Without prejudice to the preceding subsection, they may be temporarily assigned other duties in the light of services demands, within their working hours, provided such assignments are among those corresponding to their function Group.

3.- When a post becomes vacant, the Secretary-General of the Congress of Deputies or, as the case may be, the Clerk of Senate may, if need be, fill it on a temporary basis for a maximum and non extendable period of one year, with another official belonging to the same function Group as the former holder.

Where said post has a bonus position attached to it the official temporarily assigned shall be paid said bonus for the duration of the assignment.

4.- The same procedure may be applied when a long vacancy arises as a result of illness, in case of voluntary leave for parental or family care for one year and on the occasion of leave for pregnancy and childbirth or on grounds of adoption or fosterage under Section 28, for a period not exceeding that of said situation.

Section 37

Termination of service in a position.

1.- Parliamentary civil servants appointed to a post by the free designation procedure may be removed at the discretion of the appointing authority itself.

2.- The removal of holders of all other organic positions shall be made by a reasoned decision of the respective appointing authority. Barring exceptional circumstances removal cannot take place before completion of the first three years of employment in the position and it shall require in any case a detailed appraisal of the work performed by the official in question by his immediate superiors, the grant to the official of an opportunity to make allegations and a previous report of the Personnel Board.

3.- Notwithstanding the preceding subsection, Parliamentary civil servants who have made use of the extension contemplated in Section 16, may be discharged at discretion from posts with a position bonus by decision of the respective appointing authority.

4.- Parliamentary civil servants who cease to serve in a position without being appointed to another post by the systems provided for in this Part, shall be at the disposal of the Secretary-General of the Congress of Deputies or, as the case may be, of the Senate's Clerk, whose shall temporarily appoint them to one of the basic positions allocated to their function Group.

Section 38

Organization charts.

1.- To the end contemplated in these Regulations it is incumbent on the Secretary-General of the Congress of Deputies and on the Clerk of the Senate to submit to the respective Bureau the draft organization chart of each House and any subsequent change

thereof. The Secretary-General of Congress, in his capacity as Head Clerk of Parliament, shall further submit to a joint meeting of both Bureaus the draft organization table of central services of Parliament and of the Central Elections Board. The organization charts must contain the following elements:

- a) Full list of the positions;
- b) Allocation of each position to one or more function Groups;
- c) System of appointment to each of them;
- d) Respective full or part-time commitment;
- e) Working days and working hours;
- f) Bonuses attached to each position;
- g) Duties assigned to each position.

2.- Notwithstanding the preceding subsection, any change in the organization charts entailing an increase or, as case may be, a reduction of expenditure as appropriated in the Parliament's budget shall require prior authorization of the joint Bureaus of both Houses.

PART V

RIGHTS OF POLITICAL AND TRADE-UNION AFFILIATION, STRIKE AND REPRESENTATION.

Section 39

Rights of political and trade-union affiliation and right of strike.

1.- Parliamentary civil servants may, without detriment to their strict duty of impartiality freely join any trade union, political party or legally established association.

2.- The personal file of each parliamentary civil servant may not contain any information referring to such affiliation or other data relating to the official's ideological affinities. Parliamentary civil servants shall have in every case free access to their personal file.

3.- Under no circumstances civil servants shall be subject to any restrictions of access, in their career and in their working conditions by reason of their personal opinions.

4.- The exercise by Parliamentary civil servants of the rights of trade-union affiliation, representation, participation, collective bargaining and strike shall be founded on the criteria of the regulations laid down by law for civil servants. The Bureaus of both Houses shall at a joint meeting adapt those regulations to Parliament's Administration.

Section 40

Right of representation.

1.- Representation of Parliamentary civil servants shall be vested in the trade unions legally set up within Parliament.

2.- Trade unions whose scope of affiliation is limited to Parliament shall be legally set up and enjoy full legal capacity by their inscription in the Register of Parliamentary Trade-Unions.

For the purposes of the preceding subsection, associations and trade-unions purporting to act within Parliament and already registered according to Section 4, subs. 1, of the Free Trade Unions Institutional Act (*Ley Orgánica de Libertad Sindical*) shall file their inscription in said Register of Parliamentary Trade Unions.

3.- Trade unions whose scope of affiliation is restricted to Parliament shall present their articles of incorporation to the Register, in accordance with the procedure provided for in Section 4 and in the First Final Provision of the Free Trade Unions Institutional Act. References in that Act to “public office” (“*oficina pública*”) and to the “corresponding Official Gazette” (“*Boletín Oficial correspondiente*”) shall be construed as references to the Register of Parliamentary Trade Unions and to the Parliament’s Official Gazette” (*Boletín Oficial de las Cortes Generales*). For the sole purpose of information the list of trade-unions with a presence in Parliament shall be notified to the relevant register in the Labour Ministry.

4.- Associations and trade unions already registered shall continue to be bodies corporate (*mantendrán su personalidad jurídica*) in their capacity as workers’ organizations.

PART VI

RIGHTS OF PARTICIPATION IN DETERMINATION OF CONDITIONS OF EMPLOYMENT AND COLLECTIVE BARGAINING.

Section 41

Rights of participation and collective bargaining.

Participation of the Parliamentary Civil Servants in determination of their general conditions of employment and in collective bargaining shall be conducted, in accordance with the provisions of these Regulations, through the following bodies:

- a) The Board of Personal Representatives (*la Junta de Personal*);
- b) The Bargaining Bureau (*la Mesa negociadora*).

Section 42

Composition of Board of Personal Representatives.

The Board of Personal Representatives shall consist of parliamentary civil servants in active employment (*en situación de servicio activo*) elected through personal, free, equal and secret voting by all those in said situation. Membership shall be determined, depending on the number of parliamentary civil servants in active employment on the date of adoption of the resolution calling elections, in accordance with the following scale:

- Up to 750 (seven hundred fifty) civil servants:.. 15;
- From 751 to 1,000 (one thousand) civil servants:..... 19;
- From 1,001 civil servants onwards:..... 2 more for each 1,001 or fraction thereof.

2.- All civil servants of Parliament referred to Section 1 of these Regulations and who are in active employment, are entitled to vote and are eligible, except those holding the offices of Secretary-General of Congress, Clerk of Senate, Deputy Secretaries-

General of Congress and Deputy Clerks of Senate, having regard to their duties imposed on them by Section 57 of these Regulations.

For this purpose electors are all those who meet the conditions at the time of the election and eligible persons are those who meet those conditions on the date of submission of candidacies.

Section 43

Call for elections.

1.- Elections to the Board of Personal Representatives may be called for from the date on which there remain three months to expiration of its mandate, by the trade-union organizations referred to in Section 40 of these Regulations who have obtained at least one representative at the latest elections to said Board, as well as by civil servants referred to in sub. 2 or Section 42, following a resolution passed by the assembly contemplated in Section 54, sub. 4.

2.- Promoters shall notify to the Joint Bureaus of Congress of Deputies and Senate their intention to hold elections and appoint a starting day for the electoral process, which shall be the date of constitution of the electoral polling stations and shall be in any case between the first and the third month following the filing of said notification.

3.- The Bureaus of the Congress of Deputies and of the Senate, acting jointly or, by delegation thereof, the Speakers of Congress and Senate, after having received the promoters' notice, shall within the next fifteen working days formally call for elections to the Board of Personal Representatives. The joint resolution shall determine the elections timetable on the basis of the date appointed by the promoters for the beginning of the electoral process and having regard to the delays contemplated in this Section, and shall see to it that the election is not held on a day on which either House meets in plenary sitting. It shall be published in the Parliament's Official Gazette and affixed on the billboards of both Houses, on the following working day or on the very day of the resolution.

4.- The Head Clerk of Parliament shall determine the models of printed forms, envelopes and ballot papers to be used in the elections.

Section 44

Composition and constitution of polling stations.

1.- Following publication of the aforesaid resolution, the competent body of the Parliament's Administration shall duly notify officials who, under the provisions of next subsection, are to serve as members of the polling stations and send simultaneously notice thereof to promoters.

2.- There shall be in each House a polling station (*una mesa electoral*) which shall have the responsibility of presiding over the polling and counting the resulting votes, as well as a coordinating electoral bureau for the discharge of the other duties involved by the electoral process referred to in the following subsections.

The coordinating electoral bureau may have the technical assistance of a representative of each of the trade-union referred to in subs. 1 of Section 43, and it also may request the attendance of a representative of the Parliament's Administration.

3.- The coordinating electoral bureau shall consist of a presiding officer and two members elected by drawing lots among the Parliamentary civil servants referred to in Section 42, bus. 2. The polling stations of each House shall also be made up of one

presiding officer and two members also elected by public drawing of lots among the civil servants employed in that House. The youngest member shall in all cases act as Secretary.

The same procedure shall be used to elect substitutes to the holders of the above-mentioned offices.

4.- The offices of presiding officers and members of polling stations are compulsory. They cannot however be held by those who are standing as candidates.

5.- Polling bureaux shall be formally constituted on the date appointed by promoters and this shall be duly recorded in the minutes of proceedings.

Section 45.

Register of Electors.

1.- The coordinating electoral bureau at its constituent meeting and with the means supplied by the Parliament's Administration, shall draw up the provisional electors' roll, specifying in each case the House where they are currently employed, and shall make it public in the billboards of each House during seventy-two hours at least.

2.- Appeals may be lodged against inclusion or, as the case may be, exclusion of names in the roll within twenty-four hours from the end of the legal announcement time. The coordinating electoral bureau shall resolve upon them and cause the final register of electors to be made public within the twenty-four hours following the end of announcement time, and it shall also determine the number of representatives to be elected, in accordance with Section 42.

Section 46

Candidatures.

1.- Candidatures may be submitted by trade-unions legally constituted or by coalitions thereof. They may likewise be submitted by a number of signatures of electors which must be at least three times as high as the number of members to be elected.

2.- Candidatures or lists of candidates shall contain at least as many names as the number of positions to fill and shall set out after the name or the initials of the corresponding trade union, coalition or grouping of electors, the list of names and surnames of its components and their order in the list. Lists of candidates may include a specific identification of the trade union organization to which each of the candidates belongs or, as the case may be, a statement as to the independence of the candidature

Resignation of any candidate appearing in one of the lists for the election, before the polling day, shall not entail suspension of the electoral operations nor the annulment of the candidature even though it thereby becomes incomplete, provided that the list in question still contains a number of candidates equalling at least 60 (sixty) per 100 of the positions to fill.

3.- Candidatures shall be tabled before the coordinating electoral bureau during the five working days following publication of the final register of electors and affixed on the billboards of both Houses. The coordinating electoral bureau shall examine them and request their members, within the two next working days, to make good any formal defects it may have noticed. Candidates may make good any deficiencies within the following two working days. On expiry of this delay the coordinating electoral bureau shall in the following two working days cause the candidatures to be made public on the

respective notice boards of either House. After this delay the coordinating electoral bureau shall in the following two days proclaim candidatures by having them affixed on the notice boards of both Houses. Any excluded candidates as well as any candidates proclaimed or those whose proclamation has been refused during the following working days may lodge an appeal against the proclamation with the coordinating electoral bureau itself, which shall make a resolution on the next working day. This resolution may in turn be appealed before the joint Bureaus of the Congress of Deputies and the Senate, within the next working day, and the Bureaus shall adjudge it within the following two working days.

4.- If any of the members of the polling station is a candidate, he shall cease to be a member thereof and be replaced by a substitute.

5.- Each candidate may appoint a representative (*Interventor*) at each of the polling stations and the Parliament's Administration may likewise appoint a representative entitled to attend the poll and to speak, but without the right to vote.

Section 47

Electoral campaign.

Each candidature may appoint three of its members to carry out all procedural arrangements and activities inherent to electoral campaign, these members being thereby relieved from their ordinary duties during that period. Acts of electoral campaigning may be carried out only for a maximum seven days period and shall end at eighteen hours of the day before the day appointed for the election

Section 48

Polling.

1.- On the appointed day the polling station of either House shall be formally constituted at eight thirty and the poll shall take place simultaneously from nine hours until eighteen hours at the Congress of Deputies and at the Senate.

2.- The right to vote shall be attested by producing evidence of the elector's identity and checking his name on the Register of Electors, with every official voting in the House where he is currently employed.

3.- Each voter may only vote for one the proclaimed lists, without altering the names contained in it or the order of individual candidates.

Section 49

Vote by mail.

1.- Votes can be sent by mail after notification to the polling station of the respective House not later than five days before the polling day.

2.- The relevant polling station, after having checked that the sender is duly entered in the Register of Electors, shall make a note of the request and send him the ballot papers and the voting envelope.

3.- The elector shall enclose in a bigger envelope the envelope containing the ballot form of his choice, which he shall seal, as well as a photocopy of his National Identity Card (*Documento Nacional de Identidad, DNI*) and return it by registered mail (*correo certificado*).

4.- These registered envelopes once received, the secretary of the polling station shall keep them in his personal custody until the voting and shall hand them over to the presiding officer at the end of the poll and before the count. After having duly checked them the presiding officer shall put said envelopes in the ballot box.

5.- Votes by mail shall be destroyed once the count has been completed, with due notice thereof in the minutes of proceedings.

Section 50

Counting of votes.

1.- At the end of the poll, after mail votes have been put in the ballot box, votes shall be publicly counted by reading out each ballot form.

Ballots with names crossed out or with corrections or notes, as well as envelopes containing ballots of different candidatures, shall be null and void.

2.- After the counting of votes, the chairman shall announce the result, by specifying the number of those cast in favour of each candidature, the number of blank ballot papers and the number of spoilt forms, which shall be recorded in the minutes of proceedings, alongside with any incidents during the poll. The minutes shall be signed by members of the polling station, candidates' representatives and the Parliamentary Administration's representative, if any, and shall be immediately sent to the coordinating electoral bureau.

3- Within three days from the voting date the coordinating electoral bureau, with the attendance of the polling stations' presiding officers or their delegates, shall proceed to the overall count and allocate seats in accordance with next section, which shall be recorded in the minutes of proceedings, with the signature of bureau's members, candidates' representatives and the parliamentary administration's own representative, if any.

The presiding officer of the coordinating electoral bureau shall issue, at the request of the accredited candidates' agents, a certificate of the election's outcome.

Section 51

Allocation of members according to election results.

1.- The allocation of members of the Board of Personal Representatives to the lists having taken part in the election shall be in accordance with the following rules:

- a) Lists that have not secured a minimum 5 (five) per 100 of votes validly cast shall not be entitled to representation in the Committee;
- b) After calculation of the quotient resulting from division of the total valid votes of all candidates by the seats to fill, each list shall be allotted as many seats as the whole number resulting from the division of the list's votes by the said quotient. Remaining seats, if any, shall be successively allotted to each of the lists who have the highest decimal fraction at the latter division;
- c) Candidates within each candidature shall be elected according the order in which they are listed;
- d) In case of a tie of votes cast or of a tie in the whole numbers or, as the case may be, in decimal fractions, the candidate with the highest seniority (*el candidato de mayor antigüedad*) in Parliament shall be elected;

e) In case of vacancy because of resignation or any other reason, the seat shall be automatically filled by the next candidate of the same list for the rest of the mandate.

Section 52

Proclamation of results and appeals.

1.- The coordinating electoral bureau shall announce the result of the poll on the notice boards within twenty-four hours from the end of the overall counting. Electoral results may be contested within the working day following the date of announcement by appeal to the coordinating electoral bureau, which shall resolve upon the issue on the next working day. Decisions on complaints may in turn be appealed on the next working day to the joint Bureaus of Congress of Deputies and Senate, who shall adjudge them within the two next working days.

2.- After determination of appeals or elapsing of the corresponding delay for appeal without any complaint having lodged, final results shall be made public in Parliament's Official Gazette and the coordinating electoral bureau shall send for the record the certificates attesting membership of the Board of Personal Representatives to the competent division of the parliamentary Administration.

Section 53

Jurisdiction of the Houses' Bureaus.

Jurisdiction vested in the Bureaus of the Congress of Deputies and the Senate to adjudge in joint meeting appeals against non- admission of candidates or proclamation of results may be delegated to the Head Clerk of Parliament.

Section 54

Constitution, functioning and dismissal of the Board of Personal Representatives.

1.- The Board of Personal Representatives shall be constituted within fifteen days from its election. The constituent meeting shall be called and presided over by the candidate proclaimed as first of the list having secured the highest number of votes, with the candidate proclaimed as first of the list with the second highest number acting as Secretary. The Committee shall thereupon elect from its members a Chairman, a Deputy Chairman and one or more Secretaries.

2.- The Board of Personal Representatives shall be governed by its own rules of procedure, subject to Parliament's Staff Regulations. Such rules, which must be adopted by a two-third majority of the Board's members, shall be submitted to the Bureaus and to the Secretaries-General of the Congress of Deputies and the Senate. The same procedure shall apply to any alteration thereof.

3.- The mandate of the Board of Personal Representatives shall be four years. If, after expiry of this period no election are called, the mandate shall be considered as extended for a maximum one year, at the end of which the Bureaus of Congress of Deputies and Senate shall be called to a joint meeting. Both Bureaus shall call in addition for new elections where the Board has lost 50 (fifty) per 100 of its members and automatic replacement contemplated in Section 51 of these Regulation has become impossible.

4.- The Committee may only be recalled during its mandate by a decision of those having elected it, at an assembly called to this end at the request of at least two trade unions legally constituted within Parliament or one third of electors and by majority resolution of the latter in a personal, free, direct and secret vote. No recall may however take place before six months from the election and no further recall requests may be put forward within six months from the former one.

5.-Substitutions and recalls shall be notified to the competent body before which the Board is represented, and be made public in the Parliament's Official Gazette well as on the billboard of each House, In case of substitution the Head Clerk of Parliament shall issue to the substitute member a certificate attesting his membership of the Board of Personal Representatives.

Section 55.

Powers of the Board of Personal Representatives.

1.- The Board of Personal Representatives shall be empowered to:

- a) Receive as such information as shall be monthly supplied to it on personnel policies and be notified of all decisions of the Houses on the matter, trade unions legally constituted within Parliament having also access to such information;
- b) Issue reports, at the Request of Parliament's Administration, on the following matters:
 - Total or partial removal of facilities;
 - Staff training schemes;
 - Introduction or modification of organization systems and working methods;
- c) Be informed of any sanctions imposed for very serious misconduct, trade unions legally constituted in Parliament being also entitled to this information;
- d) Be informed of appointments, assignments, transfers and competitions, including in the last case the detailed classification of competitors adopted in pursuance of the ratings criteria for the competition and on the overall results thereof;
- e) To be informed of and be heard on the following:
 - Determination of working day and hours of work;
 - Regulation of holidays, leaves and permissions;
- f) Have access to statistics on:
 - Rates of absenteeism and causes thereof;
 - Accidents in service action, professional illness and their consequences, rates of accidents, periodic or special research of environment and working conditions, as well as prevention devices in use;
- g) Monitor compliance with the existing rules regarding working conditions, social protection and employment and initiate, when they see fit, relevant legal proceedings;
- h) Monitor safety and health conditions at work;

i) Take part in the management of social activities for the staff, which the Committee may delegate in a subcommittee where all trade unions of parliamentary officers shall be admitted to participate;

j) Cooperate with the Parliament's Administration for the introduction of measures tending to keep and improve productivity;

k) Inform all staff members on the matters listed in this Part of the Regulations.

2.- The obligation to consult or negotiate with the Board of Personal Representatives does not apply to decisions of the Houses regarding their organization powers, the exercise of citizens' rights in relation to civil servants, functions of members of Parliament and the procedure of administrative decisions and provisions.

3.- The Board of Personal Representatives shall however be consulted where the consequences of decisions concerning organization powers may affect staff's working conditions.

4. Board of Personal Representatives's members and the Committee as a whole shall be bound by the obligation of professional secret concerning any matters which the Houses may expressly classify as confidential (*reservados*) and confidential documents handed to the Board of Personal Representatives may under no circumstances be used outside Parliament or for purposes other than those for which have been supplied.

5.- The Houses shall furnish the Board of Personal Representatives with the material means necessary for the exercise of its functions.

Section 56

Guarantees and rights of members of the Board of Personal Representatives.

Members of the Board of Personal Representatives, in their capacity of the officers' legal representatives, shall enjoy during their mandate as such the following rights and guarantees:

a) Not to be transferred or sanctioned during the exercise of functions nor in the year following expiration of their mandate, unless this is due to recall or resignation due to the member's performance in the discharge of representation duties. They may also not be discriminated in economic or professional promotion on the grounds of their exercise of representation;

b) To express freely their opinion on matters concerning their sphere of representation, and disseminate any type of publications on professional or trade-union activities, provided this does not disturb their normal performance in office;

c) The Board of Personal Representatives shall be heard in any disciplinary procedures initiated against their members in the course of their mandate and in the following year, without prejudice to the right of the officer in question to be heard in the disciplinary proceedings;

d) Thirty-five hours off- duty per month within working days, which shall be remunerated as effective working hours.

Section 57

Composition and powers of Bargaining Bureau.

1.- The Bargaining Bureau shall consist of:

a) As representatives of the Parliament's administration,

- One member of the Bureau of Congress of Deputies and one member of the Bureau of Senate;
- The Secretaries-General of both Houses or their delegates;

b) As representatives of staff:

- Trade unions, associations and candidates having secured representation in the Board of Personal Representatives, through the Parliamentary civil servant they shall appoint for this purpose.

2.- Trade unions not having obtained representation, but which are more representative at the State's or regional level or have secured 10 (ten) per 100 pf representatives in Public Administration as a whole, and having presented their candidature at Board of Personal Representatives elections, may attend the meeting of the Bargaining Bureau through Parliamentary civil servants of their own choice.

3.- The Bargaining Bureau shall be called by mutual agreement of representatives of Parliament's Administration and of parliamentary civil servants. The negotiating process shall be annually opened on the date appointed by the Committee itself and shall cover the matters agreed for discussion by the Committee among those set out in the subsection below.

4.- The following shall be matters for negotiation:

- a) The increase in civil servants' remuneration to be included in the draft Parliament's Budget every year, to which end the Board of Personal Representatives shall be yearly informed on the structure and the amount of the remuneration items of Parliamentary civil servants;
- b) Fixing and application of civil servants' remuneration.
- c) Preparation of notices of public employment positions available;
- d) Catalogue of employment positions;
- e) Identification of programmes and funds for internal promotion, training and improvement of staff;
- f) Any matters that may affect the improvement of living conditions of pensioners;
- g) Systems of access, appointment and professional promotion of Parliamentary civil servants and drafting of corresponding rating criteria;
- h) Health and safety at work;
- i) Matters relating in any way to the access to Parliament's Administration and to civil servants', remuneration and social security;
- j) Economic issues, social services, trade unions activities and participation, welfare assistance and any others generally concerning conditions of service and the scope of relations of parliamentary officials of their trade-union or professional organizations with Parliament's Administration;
- k) Draft amendments to Parliament's Staff Regulations and its implementing rules.

5.- Representatives of Parliament's Administration and those of parliament's officials may enter any agreements within the Bargaining Bureau, subject for their

validity and effect to ratification by the joint Bureaus of Congress of Deputies and Senate.

CHAPTER VI

CIVIL SERVANTS' DUTIES AND INCOMPATIBLE ACTIVITIES.

Section 58

Duties of civil servants.

1.- Parliamentary civil servants on active employment shall:

- a) Keep allegiance to the Constitution and the law;
- b) Work during the full statutory working day;
- c) Discharge strictly, impartially and diligently the duties of their respective office or position, and to cooperate with their superiors and colleagues for the improvement of service;
- d) Observe strict secrecy about any matters they may come to their knowledge in their capacity as such;
- e) Treat their superiors and members of the Houses with due respect and help and assist them in the exercise of their functions;
- f) Carry out their superiors' lawful orders;
- g) Act with total political impartiality in the discharge of their duties and refrain from political action in either House.

Section 59

Working day.

1.- All parliamentary civil servants shall have a mandatory working day (*jornada de trabajo*) with the corresponding hours of work. The ordinary working day for Parliamentary civil servants shall be fixed by the Bureaus of both Houses, after having consulted the Board of Personal Representatives. The organization charts may also determine a reduced working day for positions where this is advisable and where the service demands allow such a reduction. Working hours other than ordinary ones may also be determined according to the Houses' needs. A continuous working day may likewise be authorized if the service demands so allow.

2.- Parliamentary civil servants with legal and personal care of a child under six years of age, an old person requiring special assistance or of a disabled person who does not engage in any gainful activity, shall be entitled to a one-third reduction of working day. They may also apply for such reduction if they hold a post with a position bonus and a standard commitment (*dedicación normal*) status, but in this case the Secretary-General of each House shall decide according to the exigencies of service.

Civil servants with legal care of a child between six and twelve years may apply for a one-third reduction of their working day, subject to the service demands.

3.- Civil servants whose age is less than five years below that of mandatory retirement or who have attained fifty-five (55) years of age and also have completed thirty (30) years of active service in Parliament or any other body, may also apply for said one-third reduction. Civil servants may also temporarily apply for it on the grounds

of illness. The Secretary-General of the House shall in each case decide on application having regard to the exigencies of service.

4.- Reduction of working day in the cases contemplated in the foregoing subsections shall entail a reduction of the corresponding working-day bonus (*complemento de jornada*) to such extent as shall be determined by the joint Bureaus of the Congress of Deputies and the Senate. Such reduction may however be adjusted or not be applied at all in the case of reduction on the grounds of illness, where the Secretaries-General find that there are justified reasons for such a course.

5.- Civil servants attending courses may also apply for reduction of their working day, subject to the Secretaries-General's discretionary decision to grant or deny reduction in the light of service demands. Grant of reduction shall in any case entail forfeiture of working-day bonus.

6.- Return to full working-day shall take place when the official enjoying reduction status so requests, and with the authorization of the Secretary-General of the corresponding House, either with immediate effect or, as the case may be, from the date he may appoint for said reintegration.

Section 60

Rules on incompatible activities.

1.- Parliamentary civil servants may not engage, either directly or as substitutes, engage in other public sector post, office of activity, except in cases expressly provided for in these Regulations.

2.- Parliamentary civil servants may not, either in person or by way of substitution, engage in private activities, including those of a professional nature, either for an employer or for entities or private persons, that bear a direct relationship to their activities in Parliament.

3.- Service in a parliamentary position by members of staff falling within the present Regulations shall be incompatible with the holding of any office or exercise of any profession or any private or public activity that may prevent or impede the strict fulfilment of their duties or jeopardise their impartiality and independence.

Section 61

Public sector activities.

1.- For the purposes of Section 60, subs. 1, public activity is any activity engaged in by elected members of European Parliament, elected members of the Self-Governing Regions' Legislative Assemblies and of local authorities and by high officials and other staff of constitutional bodies and any departments of Public Administration, including the Judiciary Power, as well as any entities, organizations and undertakings under the control of such bodies and departments, including entities with a cooperating *status* and those tendering health assistance in concert with Social Security.

2.- Parliamentary civil servants may not belong to Boards of Directors or any other governing bodies of public sector entities or companies or of private firms on behalf of the public sector.

3.- Except as provided in these Regulations, no parliamentary civil servant may be paid more than one remuneration out of Public Administration's monies or out of funds of entities, organizations or undertakings under their control or funds of constitutional organs or out of legal fees, nor make any option for remunerations corresponding to

incompatible positions. For this purposes remuneration means any right of an economic nature directly or indirectly arising from personal work or service, whether in a fixed or a variable amount ore payable on a periodic or occasional basis.

Section 62.

Incompatible activities.

1.- Parliamentary civil servants on active service may not in any case:

- a) Indulge in private activities, including those of professional nature, be it on their own or in the employment or at the service of entities or private persons, concerning matters on which said civil servants are working or have been working in the last two years or have to take part by reason of their position in Parliament, including professional activities for persons to whom officials are to report in the discharge of their public duties;
- b) Belong to the Boards of Directors or governing bodies of private firms or entities where the activity of the same is directly related to Parliament;
- c) Hold in person or through a third party (*persona interposita*) positions of any kind in firms or companies with concessions or with works, services or supplies procurements or managing or hiring a public monopoly or with public sector's participation or guarantee, whatever the legal form of such undertakings;
- d) Hold a share over 10 per 100 in the capital of firms or companies referred to in the foregoing paragraph;
- e) Engage in any gainful private activity of a commercial professional or industrial nature that may put at risk an official's independence or impartiality or prevent or impede the discharge of his duties;
- f) Tender advice to parties, parliamentary groups, trade unions, employers' associations or any other type of group or association having a direct relation with Parliament's functions;
- g) Take part professionally in the lodging of unconstitutionality appeals;
- h) Take part professionally in electoral disputes of any kind and in any matters, whether or not of a contentious nature, giving rise to confrontation between political parties represented in Parliament, trade unions' central bodies or between the latter and employers' organizations;
- i) Act professionally, whether in or out of court, in front of or against Parliament;
- j) Tender advice to private or public persons within the drafting of bills or other texts, whether or not of a legal nature, that must be adopted by the Council of Ministers for transmission to the Houses or which are already being debated in Parliament, or engage in publication of any matter relating to said bills or texts;
- k) Write any reports or opinions for Public Administrations.

2.- Parliamentary civil servants shall not invoke or make use of their public capacity for the exercise of any trading, industrial or professional activity.

Section 63

Declaration of compatibility

1.- Except as provided in Section 64 of these Regulations the exercise of any kind of public or private professional, labour, commercial or industrial activities shall require a previous declaration of compatibility (*reconocimiento de compatibilidad*).

2.- Parliamentary civil servants seeking for such declaration shall submit the necessary application addressed to the Bureaus of both Congress of Deputies and Senate and containing the full particulars of the information required. The reasoned resolution declaring compatibility or, as the case may be, incompatibility shall be adopted by both Bureaus in joint meeting, upon a report of the Head Clerk of Parliament.

3.- Declaration of compatibility shall enable the applicant to exercise the relevant activity in conformity with the terms of the declaration itself and may not in any case entail any change in the applicant's working day and hours of work, and shall cease to have effect in the event of a change of position in the public or private sector.

4.- No compatibility may be declared for private activities that have already been declared compatible with another public position or activity where the addition of working days of both equals or exceeds the standard or maximum working day in Parliament.

Section 64.

Compatible activities.

1.- Private activities carried out directly for his own benefit by an official in the exercise of statutorily recognised right shall be exempt from the obligation to seek a compatibility declaration.

2.- The following activities are also exempt from declaration of compatibility:

- a) Those relating to management of personal or family estate subject to Section 62 of these Regulations;
- b) Conducting seminars and giving lectures, courses or conferences in official education centres for the training of civil servants or teaching personnel, where such activities are not carried out permanently or usually and do not require more than seventy-five (75) hours per annum;
- c) Membership of selection boards (*tribunales calificadoros*) for access to Parliament's employment;
- d) Taking part as a teacher or professor in selection boards for any tests, examinations or appraisal operations other than those normally incumbent on them;
- e) Literary, artistic, scientific and technical production and creation, as well as relevant publications, provided such activities do not arise as a consequence of an employment or services relationship;
- f) Taking part occasionally in round tables or programmes in mass-communication media;
- g) Occasional participation in and attendance to symposia, seminars, conferences or courses of a professional nature;
- h) Tutorial activity in associated educational centres of the Open National University (*Universidad Nacional de Educación a Distancia, UNED*), except for staff falling in subsection 4 of section 63 of these Regulations, is no provided such

activity does not impinge on working hours and as long as there is no change in the present regulation thereof.

Section 65

Activities compatible upon prior declaration.

1.- Upon declaration of compatibility, Parliamentary civil servants may hold positions in active employment in their own right (*titulares*) or on a contractual basis (*contratados*) in public university education or research centres. Such activities shall be carried out in any case on a strictly part-time basis and subject to their hindering the official's performance in Parliament. Payment of remunerations to Parliamentary civil servants for compatible activities in public university-education or research centres shall in any case be subject to the quantitative requirements set out in Section 7 of Act 53/1983, of December 26, on Incompatible Activities (*Incompatibilidades*) for Public Administrations' Staff, as applicable to Parliament. on an analogy basis.

Any excess over these limits on a one-year calculation, shall require in all cases an explicit consent of the joint Bureaus of the Congress of Deputies and the Senate.

Service in the second post or activity shall not count for triennial remuneration increases or pensions rights, albeit with a possibility to suspend payment by the official in question of the corresponding periodical contributions. Extra pays and family allowances may only be paid in respect of one of the two positions, whatever its nature.

Service in the second position or activity shall not count for Social Security pension rights either, to the extent they may exceed the amount payable in respect of one of the two compatible positions on an ordinary working-day basis. In this case the amount of periodical contributions may be adjusted by statutory instrument.

Where as result of quantitative limits no remuneration can be paid, the corresponding amounts may only be paid as compensation (*indemnización*).

2.- The Bureaus of Congress of Deputies and Senate may authorize at a joint meeting a second activity in the public sector for reasons of a manifest public interest, but only part-time and for a limited duration within the conditions laid down by labour legislation. Performance of such second activity shall require in any case an prior explicit declaration of compatibility which may not involve any change in the working days and hours of work in both positions and subject to full compliance with such both requirements.

Work in said second public-sector occupation is incompatible with the right to receive old-age or retirement pension or any other Social Security public and mandatory benefits. Receipt of said pensions shall be suspended for the duration of the second employment, without prejudice to the pensioner's entitlement to the regular updatings of his pension. In the field of employment contracts payment of a partial old-age pension shall be exceptionally compatible with a part-time job.

3.- Parliamentary civil servants may be exceptionally be given permission for simultaneous conduct of research non- permanent activities or for tendering advise in specific cases not falling within the duties of staff assigned to the respective administrative body. The exceptional nature of such activities must be attested by the fact that said assignment is given in an open competition or by the necessity to meet special qualifications possessed only by persons to whom the present Regulations apply,

and permission shall be subject to Section 7 of Act 53/85, of December 26, on Incompatible Activities for Public Administrations' Staff, as applicable to Parliament on an analogy basis. Excess over the limits referred to in said provision, as calculated in one-year terms, shall require in any case explicit authorization by the joint Bureaus of the Congress of Deputies and the Senate.

Section 66

Right of option in case of incompatibility.

1.- Whoever gains access through any qualification whatsoever to a new public sector employment which is incompatible by virtue of these Regulations with another position he is holding, must opt for one both within the legal time-limit for entering his duties, failing what he shall be deemed to have opted for the new employment and shall put in a voluntary leave from the post he is holding.

2.- Where the new position requires prior authorization for compatibility, this must be applied for within the first ten days from said time limit, which shall be deemed as adjourned pending decision on the application.

Section 67

Conditions for performance of a compatible activity.

1.- Engagement by an official of any compatible activity shall not be an excuse for absence from the place of work assigned to his post or position nor for delay, negligence or lack of attention in the discharge of his duties.

2.- Without prejudice to Section 68, subs. 4, of these Regulations, the division in command of the services concerned shall under its responsibility prevent or as, the case may be, correct the incompatible situations of civil servants under its authority.

CHAPTER VII

DISCIPLINARY RULES.

Section 68

Misconduct.

1.- Civil servants may only be sanctioned for misconduct involved in non-compliance with their the duties in the terms laid down by these Regulations.

2.- There may be minor (*leves*), serious (*graves*) and very serious (*muy graves*) offences (*faltas*). The statute of limitations shall be one month for minor offences, two years for serious ones and six years for the very serious.

3.- Offences to discipline (*faltas disciplinarias*) shall be the same as those defined generally for civil service.

4.- The following shall be in any case considered as very serious offences:

- a) Breach of the duty of allegiance to the Constitution or of political impartiality;
- b) Persistent unauthorised absence from work;
- c) Violation of professional secrecy and
- d) Persistent non compliance with incompatibility rules seriously affecting the principles laid down in these Regulations.

Section 69

Sanctions.

1.- There shall be the following sanctions, to be imposed and commensurate with the offender's degree of intention, the disturbance of services and reiteration of offence:

- a) For minor offences, written warning (*apercibimiento por escrito*) o suspension from duty for one to four days;
- b) For serious offences, suspension from duty from five days to six months;
- c) For very serious offences, suspension from duty from six months to one year or dismissal from service.

2.- No disciplinary sanction may be imposed for facts having already led to a criminal judgment. Where a prison sentence has been handed on the official concerned, he shall be suspended for the duration of imprisonment, but if he has caring responsibilities, his dependants shall be entitled to the basic remuneration.

Section 70

Disciplinary procedure.

1.- Sanctions for minor offences shall be imposed by the Secretary-General of the relevant House and shall not require the initiation of a formal procedure, subject to the presumptive offender's right to be previously heard.

2.- Sanctions for serious or very serious offences shall be imposed after initiation of a formal procedure (*instrucción de expediente*) to the end, which shall include the drawing up a list of alleged infringements (*pliego de cargos*), gathering of evidence where necessary and decision proposal, the official in question having in any case the right to make allegations.

Section 71

Disciplinary proceedings.

1.- Where the authority in charge of the disciplinary procedure is of the opinion that the presumptive offence is of a criminal nature, he shall inform the authority having caused initiation of said procedure for notification thereof to the Public Prosecutor's Office (*Ministerio Fiscal*), and the procedure shall be suspended.

2.- Where the authority having jurisdiction for initiation and conduct of a disciplinary procedure becomes aware that criminal court proceedings have been instituted on the same facts, it shall immediately stop the procedure until a final judgement is handed down. If the judgment does not impose any penalty for lack of evidence of the accused person's alleged part in those facts or because there are causes exempting him from criminal liability, the disciplinary authority shall cause the procedure to be filed away.

Section 72

Jurisdiction in disciplinary matters.

The Secretary-Generals are empowered to institute procedures and impose sanctions on persons serving in any of the departments under their jurisdiction. However sanctions involving suspension from duty and dismissal from service can only be decided by the Bureau of the House in question, after a report by the Committee Staff.

A dismissal decision shall in any case require the overall majority of the joint Bureaus' members.

Section 73

Notice in personal file.

1.- References to sanctions in an civil servant's personal file (*hoja de servicios*) may be cancelled at the civil servant's request after a period equalling the statute of limitations for the relevant offence, provided that no new procedure has been instituted against him that may lead to sanctions. Cancellation shall have full effect in all respects, including record of reiteration where this was the case.

CHAPTER VIII

EFFECTS OF AND APPEALS FROM RESOLUTIONS CONCERNING STAFF.

Section 74

Effects of official silence.

1.- Applications under these Regulations whose determination lies solely with the competent bodies of the Houses, shall be deemed as dismissed after a period of three months has elapsed without a formal decision, with the exceptions set out in the next subsection.

2.- The following applications shall be deemed as granted, even though the time limit laid down for each case has elapsed without an explicit decision:

- a) Permissions contemplated in subs. 2, 3 and 4 of Section 27: 1 day;
- b) Other permissions under sections 27 and 28 of these Regulations or in the workdays calendar: 3 (three) days, which, where application is submitted more than ten days prior to the commencement of leave, shall be counted from the first of those days;
- c) Changes in working days or in hours of work and employment situations: 30 (thirty) days;
- d) Applications for declaration of compatibility concerning other activities: 6 (six) months.

3.- Nothing in the foregoing subsections shall be taken as relieving the Administration from the duty to adopt a formal decision on all procedures and notify it to the parties concerned.

Section 75

Appeals.

1.- Here shall be right of appeal against decisions concerning staff by bodies and authorities of either House:

- a) Before the Bureau of the House concerned or, as the case may be, before the joint Bureaus of Congress and Senate, against decisions taken by the Secretary-General of the Congress of Deputies or of the Senate;

b) Before each Bureau or both of them jointly against respectively decisions taken by them.

2.- Appeals must be lodged within one month and shall be deemed as dismissed if there is no reply within three months.

3.- Act 30/1992, of November 26, on Legal Status of Public Administrations and General Administrative Procedure, shall subsidiarily apply to matters falling without this Chapter

ADDITIONAL PROVISIONS

FIRST PROVISION.- RULES APPLICABLE TO CIVIL SERVANTS REFERRED TO IN SECTION 3.

Civil servants belonging to function Groups of the State's General Administration who are serving in Parliament under Section 3 of these Regulations, shall be governed by the State's Civil Service legislation.

The shall be however under the hierarchical dependence of the Speaker, the Bureau and the Secretary-General of each House in the discharge -of their duties. They may likewise receive bonuses out of the Budget of the House to which they are assigned.

SECOND PROVISION.- IMPLEMENTATION RULES.

1.- It shall be incumbent to the joint Bureaus of Congress and to lay down the rules for implementation of these Regulations Senate after having consulted with the Board of Personal Representatives.

2.- It shall be incumbent on the Secretaries-General of both Houses to implement these Regulations, as well as, concerning the services under the authority of each of them. To exercise the powers not reserved to any other body or authority by the Regulations themselves or the implementation rules.

THIRD PROVISION.- ACKNOWLEDGMENT OF DUTIES DISCHARGED OUTSIDE PARLIAMENT.

1.- Parliamentary civil servants are entitled, on the basis of the corresponding attestation, to full acknowledgment as service in Parliament of all duties performed either as civil servants or as contract staff prior to their admission to Parliament's Administration:

- In the State's civil or military Administration;
- In the Judiciary Power;
- In the service of constitutional bodies;
- In the service of Social Security;
- At regional or local public bodies

They are also entitled to acknowledgment of probation periods after having passed tests for admission to Public Administration's Civil Service and of the time spent under conscription.

They are likewise entitled to acknowledgment of the periods served in said Administrations after admission as Parliamentary civil servants where such periods do not coincide with the discharge of duties performed for Parliament itself.

Acknowledgment shall be effective in any case from the date of application for this purpose.

2.- For the purposes of the foregoing subsection Parliamentary civil servants shall be paid the triennial increases to which may be already entitled for duties performed successively in an administrative post of any of the above-mentioned administrations.

3.- Payment of said triennial increases shall be made by application of the amount determined for the function Group, scale, organization chart or post involving similar duties to those performed during the periods of service so acknowledged.

4.- Qualifying services which do not amount to a whole triennium shall be deemed as performed in Parliament to sole purpose of calculation of percentages contemplated in Section 30, subs. 1, paragr. b) of these Regulations, but shall not be counted for complaint the five-year periods referred to in said section.

5.- Without prejudice to the foregoing subsections, service performed prior to admission as Parliament's official in the Houses themselves as contract staff or occasional personnel, shall count for the purpose of seniority remuneration on attainment of each of the five-year periods of effective service referred to in Section 30, subs. 1, paragr. b), of these Regulations, subject to the criteria laid down for officials in said provision.

6.- For the calculation of seniority services performed by parliamentary civil servants, after their admission in this capacity, as contract or occasional staff in either House shall be deemed as effectively discharged in their respective function Groups. These civil servants shall only be paid however said seniority increases from the date of reintegration into their function Group.

FOURTH PROVISION.- SUBSIDIARY APPLICATION OF LEGAL PROVISIONS ON TRADE UNIONS AND PARTICIPATION.

1.- Where there is no express provision in Part V of Chapter V of these Regulations, Institutional Act 11/1985, of August 2. on Freedom to set up Trade-Unions, and Sect 9/1987, of June 12, on representative bodies, conditions of work and participation of personnel in Public Administrations, shall apply inasmuch as the are applicable to Parliament

2.- Bureaus of the Congress of Deputies and the Senate, after negotiations within the Bargaining Bureau., shall lay down at a joint meeting, the complementary provisions for the organization of elections.

FIFTH PROVISION.- APPLICABILITY OF THE CIVIL SERVICE DISCIPLINARY REGULATIONS.

Pending the adoption of specific implementation rules for Chapter VII of these Regulations, the applicable provisions concerning the types of Disciplinary offences set out in Section 68, subs. 3, and disciplinary procedure generally, shall be those contained in the Disciplinary Regulations for State Administration's Civil Servants (Royal Decree 33/1986, of January 10) inasmuch as they are not opposed to these Regulations.

SIXTH PROVISION.-APPLICABILITY OF THE FIRST TRANSITIONAL PROVISION OF THE CONSOLIDATED ACT ON RETIREMENT PENSIONS IN STATE'S CIVIL SERVICE.

The first transitional provision of the Consolidated Act on Retirement Pensions in State's Civil Service (Royal Legislative Decree 670/1987, of April 30), as amended by Act 42/1994, of December 30, on Tax, Administrative and Social Measures, and by the relevant implementing statutory instruments.

SEVENTH PROVISION.- PARLIAMENT'S CLERICAL FUNCTION GROUP.

The function Group of Administrative Staff of Parliament shall henceforth be called Parliament's Clerical Function Group, which shall comprise all members of the former one.

EIGHTH PROVISION.- RULES ON CONTROL OF ACCESS AND INTERNAL CIRCULATION.

The Bureau of each House shall lay down rules on access control and inside circulation in the relevant premises. Said rules shall specify the allocation of monitoring, custody and security jobs and tasks to the function Group of Parliament's Ushers and of functions to be assigned to civil servants mentioned in Section 3 of these Regulations.

TRANSITIONAL PROVISIONS

FIRST PROVISION.-

1.-In determining reference remunerations for retirement pensions, the index of proportionality and the administrative career degree allotted prior to commencement of these Regulations, as shown in corresponding administrative titles of Parliamentary civil servants, shall continue to apply, without prejudice to any future improvements that may be adopted for civil servants belonging to the Clerical and Ushers Groups of Parliament.

2.- In accordance with Section 2, subs. 4, of Decree 1120/1966, of April 21, adopting the consolidated text of the Act of Pension Rights of the State's Civil Servants, provisions of Section 26 of the Statute of October 22, 1926, shall continue in force and shall apply, as amended by >Section 1 of the Act 30th December 1944 to the civil servants referred to in the preceding subsection.

SECOND PROVISION.

Civil servants whose compatibility status is affected by these Regulations must apply to the Bureaus of both Houses for a new decision on the matter, and civil servants having obtained the compatibility declaration contemplated in Section 63 of these Regulations shall notify within three months the alterations that may have occurred in the conditions of exercise of the activity declared as compatible, where such changes may affect said declaration.

To this end both Secretaries-General shall take the adequate steps to redress the situations referred to in this Provision.

THIRD PROVISION.

1.- Application of these Regulations shall not in any case have a restrictive effect on the present remunerations system.

2.- Civil servants who, on the date of commencement of these Regulations, have a reduced or special working day, shall adapt themselves to Section 59 according to the transitional rules to be adopted by mutual agreement of the Bureaus of Congress of Deputies and Senate and embodied in the resolution laying down the criteria of both Houses for approval or alteration of organization charts. In any case the remuneration system existing prior to commencement of these Regulations shall continue to apply, in its structure and in the relevant amounts, except as regards the annual percentage increase for the whole staff, to civil servants who by virtue of those transitional rules cannot occupy their positions in the organization chart, on the working day terms to be determined for said positions pursuant to Section 59 of these Regulations. These civil servants may not in any case receive daily allowances and position bonuses.

FOURTH PROVISION.

Pending adoption of the implementing rules contemplated in the Second Additional Provision, all questions relating to enforcement of these Regulations shall be dealt with according to the rules in force on the date of commencement, insofar as such rules are not contrary to these Regulations.

FIFTH PROVISION.

The new organization charts to be drawn up by the Secretariats-General of both Houses shall include a number of implementing rules establishing a transitional arrangement that guarantees respect without loss of pay for civil servants' vested rights as to the holding of their positions where these become affected by said organization charts.

SIXTH PROVISION.

In the two first selective admission processes to the function Group of Technical-Administrative Staff of Parliament a system of restricted tests competition (*concurso-oposición*) shall be applied to the positions set aside for internal promotion according to Section 12 of these Regulations.

SEVENTH PROVISION

Where the number of civil servants belonging to the function Group referred to in subs. 3 of Section 8 of these Regulations makes it impossible or extremely difficult to fill all newly established head positions by the free appointment system set aside for said system, these positions may be temporarily held by members of temporary staff who are serving at that time in either House or by one of the civil servants mentioned in subs. 3, provided they all have the qualifications required for access to said positions, for as long as the number thereof is not sufficiently increased and subject to this increase being contemplated in the organization charts.

EIGHTH PROVISION.

Parliamentary civil servants who can show proof positive of their having held in either House the same posts with a position bonus attached to them before adoption of the organization charts resulting from the common rules agreed upon by the Bureaus of the Congress of Deputies and the Senate at their joint meeting of the 26th June 1989, are entitled to have tenure of said posts taken into account for the consolidation of the position bonus provided for in Section 31.

For this purpose where the post being held does not have the same name as some of those comprised in the aforesaid organization charts, the Secretariat-General shall proceed to declare the precise equivalence.

REPEALS

All equal or lower rank provisions contrary to present amended Staff Regulations of Spanish Parliament are hereby repealed, and in particular the following:

- Said Staff Regulations adopted at the joint meeting of June 26, 1989 by the Bureaus of Congress of Deputies and Senate and
- Amendments thereof adopted at their joint meetings of 17th January 1991, 28th November 1994, 11th July 1995, 28th June 1996, 17th July 1997, 18th December 2000, 12th July 2004 and 19th January 2005.

FINAL PROVISION

These Staff Regulations of Spanish Parliament shall come into force on the day following the day of publication in the Official Gazette of Spanish Parliament.

MADRID, March 27, 2006.

The Speaker of the Congress of Deputies

Manuel MARIN GONZÁLEZ.

The Speaker of the Senate

Francisco Javier ROJO GARCÍA.
