

INSTRUCTION 3/22, OF SEPTEMBER 15, 2022, ON PERMANENT AND FIXED-TERM EMPLOYMENT CONTRACTS AT THE CATALAN INSTITUTE OF CLASSICAL ARCHAEOLOGY (ICAC)

In anticipation of the entry into force of the labor reform established in Royal Decree-Law 32/2021, of December 28, on urgent measures for labor reform, guaranteeing job stability, and transforming the labor market; Law 17/2022, of September 5, which modifies Law 14/2011, of June 1, on science, technology, and innovation; and the hiring principles of the ICAC approved by the Management Council in the meeting held on June 20, it is necessary to approve a new instruction that complies with the entire regulatory framework.

This instruction aims to regulate the procedure for hiring permanent or fixed-term personnel at the ICAC. Article 19.4 of the Execution Bases of the 2022 Budget establishes that, in accordance with Article 14 g) of the Statutes of the Catalan Institute of Classical Archaeology (hereinafter ICAC), the director of the ICAC may hire the necessary personnel for the development of the Institute's activities within the framework of the approved budget. In these labor contracts, which will be temporary, their purpose will be specified.

In the case of permanent or fixed-term hiring, the constitutional principles of equality, merit, capability, and the principles included in Article 55 of the Basic Statute for Public Employees (EBEP) must also be taken into account. Furthermore, the Statutes of the ICAC state that the legal regime, as long as it maintains the category of CERCA center, will be that established by Law 7/2011, of July 27, on fiscal and financial measures (Chapter IV, Title II) and other regulations of the Generalitat applicable to CERCA centers. The Law 14/2011, of June 1, on science, technology, and innovation also applies, as do specific provisions regarding research that may be established in annual budget laws and other current regulations applicable to research personnel.

Finally, the Workers' Statute, the collective agreement for offices and agencies in Catalonia, and particularly Royal Decree-Law 32/2021, of December 28, previously mentioned, also apply.

The following instruction outlines, in a non-exhaustive manner, the most relevant aspects to consider regarding fixed-term or permanent labor hiring.

CHAPTER 1. OBJECTIVES AND SCOPE OF APPLICATION

Article 1. Objectives

1. In the fixed-term or indefinite labor hiring at ICAC, the rights of individuals to access public employment will be respected in accordance with the constitutional principles of equality, merit, and capacity, as well as what is provided in this Instruction and the rest of the legal framework.
2. ICAC will select its labor personnel through procedures that guarantee the aforementioned principles and the following:
 - a) Dissemination of calls for applications and their bases.
 - b) Transparency.
 - c) Impartiality and professionalism of the members of the evaluation and selection bodies.
 - d) Independence and technical discretion in the actions of the evaluation and selection bodies.
 - e) Adequacy between the content of the selection procedures and the functions or tasks to be performed.
 - f) Agility, without prejudice to objectivity, in the selection procedures.
 - g) Proportionality between the duration of the selection procedures and that of the contracts.

3. This Instruction complies with the principles of ICAC established in the OTM-R (Open, Transparent, and Merit-based Recruitment) and the HRS4R (Human Resources Strategy for Researchers) label, particularly in section 6.7 concerning indefinite or fixed-term contracts.

Article 2. Scope of Application

This Instruction applies to the calls made by ICAC to fill positions with indefinite or fixed-term labor contracts. Temporary labor contracts entered into as a result of calls made by other institutions are not covered by this Instruction. Fixed contracts that fall under the authority of the Board of Directors and are governed by section 6.6 regarding recruitment through regular calls are also excluded.

Article 3. Personnel classification

1. ICAC labor personnel is classified into:
 - a) Research staff, which is further organized into: early-stage researcher or predoctoral (R1, according to the standard classification in Europe), postdoctoral researcher (R2, which may be training or incorporation), junior researcher (R3), and senior researcher (R4).
 - b) Scientific and technical services personnel.
 - c) Management and research support personnel.
2. The categories of positions at the ICAC are:
 - a) Researcher;
 - b) Senior technician;
 - c) Intermediate technician;
 - d) Specialist technician or administrative staff;
 - e) Technical assistant or administrative assistant;
 - f) Subordinate, laborer, and professional groups.

Article 4. Types of Contracts

This instruction applies to all types of indefinite or fixed-term labor contracts with full-time or part-time dedication as provided by legislation and offered by the Institute. These contracts will correspond to positions at ICAC that will be filled in accordance with the classification and different categories mentioned in Article 3. In accordance with RDL 32/2021, the contracts may be:

1. Training contracts;
2. Fixed-term contracts funded with European funds for the execution of the Recovery, Transformation, and Resilience Plan and also for non-competitive European funds;
3. Fixed-term contracts due to production circumstances;
4. Fixed-term contracts for temporary replacements and vacant positions;
5. Indefinite contracts.

CHAPTER 2. Processing, Duration, and Call for Applications

Article 5. Processing

In the procedure for the temporary employment contract of ICAC, an ordinary or urgent processing may be followed. Urgent processing can be agreed upon when public interest reasons advise it, and the resolution of the director of ICAC is required to proceed in this manner. In applying the urgent processing procedure, the corresponding contractual modality will be used, and the deadlines for submitting applications and appeals cannot be reduced by half.

Article 6. Duration

1. The duration of indefinite or fixed-term employment contracts will be established according to a specific contractual modality or by the legal regulations governing the contract.

2. For the purposes of the procedure to be followed in hiring, the classification of the duration of contracts under this instruction will be as follows:
 - 1) Training contract with alternation: minimum duration of 3 months and maximum of 2 years;
 - 2) Training contract for professional practice: minimum duration of 6 months and maximum of 1 year;
 - 3) Fixed-term contract funded by European funds (Recovery, Transformation, and Resilience Plan or other non-competitive funds): as allowed by the subsidized project;
 - 4) Fixed-term contract for unforeseen production causes: maximum duration of 6 months;
 - 5) Fixed-term contract for occasional events: maximum duration of 90 days;
 - 6) Fixed-term contract for temporary substitutions: corresponding to cover for a leave of absence due to temporary incapacity or to cover vacant positions;
 - 7) Fixed-term predoctoral contract: minimum duration of 1 year and maximum of 4;
 - 8) Fixed-term contract for access to doctoral researcher positions: duration between 3 years and a maximum of 6;
 - 9) Fixed-term contract for distinguished researchers: duration agreed upon by the contracting parties;
 - 10) Indefinite contract for scientific-technical activities;
 - 11) Indefinite contract for non-scientific-technical activities.

Article 7. Call

Indefinite or fixed-term employment contracts must follow the procedure established in one of the following modalities:

- 1) Direct hiring;
- 2) Public offer.

Article 8. Direct hiring

1. Direct hiring will be the appropriate mode of hiring for short-term contracts with a maximum duration of 6 months and for contracts to cover temporary incapacity due to illness, for as long as necessary. In direct hiring, there is no need to initiate a procedure with a public call. The procedure will follow these phases:
 - Phase 1: Preparation and approval of the hiring proposal;
 - Phase 2: Evaluation and hiring proposal;
 - Phase 3: Granting, formalization, incorporation, and monitoring of the contract.
2. In Phase 1, the preparation and approval of the hiring proposal, the file for the fixed-term employment contract will be approved. This file will include: a hiring proposal signed by the responsible person, researcher, or technician who promotes it; a certificate of credit reservation in the current budget, and if applicable, a forecast of the cost for the next fiscal year; a resolution from the administrator of ICAC approving the hiring file, which will describe the characteristics of the position(s) and appoint the Selection Committee (CAS) that will preside over it.

The characteristics of the position(s) will include, among others: the purpose of the contract, the number of contracts, the requirements that candidates must meet, the specific characteristics of the contract, and the amount of compensation.
3. In Phase 2, evaluation and hiring proposal, the CAS will select the candidate or group of candidates based on the resumes available to ICAC in the curricular database, which includes, among others, previously hired staff. Subsequently, the CAS will interview the selected candidate or candidates if deemed appropriate, and then will justify the hiring of the chosen candidate and provide a list of reserve candidates to the director of ICAC.

4. In Phase 3, granting, formalization, incorporation, and monitoring of contracts will proceed as follows: (1) Final resolution from the director of ICAC granting the position(s); (2) Signing of employment contracts with the successful candidates; (3) Incorporation of the hired individuals into their positions; (4) Monitoring and evaluation of the contracts according to the clauses established in the contracts.
5. The fixed-term employment contract that will be signed will include, among other things, the rights and obligations of the hired individuals, the compatibility of the contract, the protection of personal data, codes of conduct and ethics, and other aspects deemed appropriate in accordance with current legislation.

Article 9. Public Offer

1. The public offer will be the mode of hiring appropriate for contracts lasting from 6 months and 1 day, whether they are fixed-term or indefinite. The procedure will follow these phases:

Phase 1: Preparation, approval, and dissemination of the offer;

Phase 2: Receipt of applications from candidates;

Phase 3: Evaluation and decision on granting;

Phase 4: Granting, formalization, incorporation, and monitoring of the hired individuals.

2. In Phase 1, preparation, approval, and dissemination of the offer, the following stages will be distinguished:

Stage 1: Initiation of the file for fixed-term or indefinite employment, in which the following documents will be drafted: a hiring proposal signed by the responsible person, researcher, or technician promoting it; a certificate of credit reservation in the current budget and a forecast of costs for future fiscal years, if applicable; and a resolution from the administrator of ICAC initiating the hiring file.

Stage 2: Resolution from the director of ICAC approving the offer with its characteristics.

Stage 3: Dissemination of the announcement with the publication of the call (resolution and bases) on ICAC website. Additionally, it will be disseminated on the EURAXESS website if it is a position for research staff, through the usual channels used by the Institute, and through other environments deemed suitable for effective dissemination of the announcement.

Stage 4: Appointment of the Evaluation and Selection Committee (CAS) for the offer by the director of ICAC.

3. In Phase 2, receipt of applications from candidates, candidates will submit a written request to participate in the offer, attaching their CV, which will be accompanied by certificates verifying their curricular merits. These can be authenticated at the time of registration, in accordance with Article 16 of Law 39/2015, or can be authenticated prior to the formalization of the contract if the beneficiary of the offer has not done so beforehand.
4. In Phase 3, evaluation of the submitted applications and decision on granting the contracts will proceed as follows: (1) Appointment and establishment of the CAS for the offer; (2) Evaluation of the candidates according to what is stipulated in the job offer; (3) Interview by the CAS with the candidates if provided for in the announcement; (4) Proposal from the CAS for granting the contracts and a list of reserve candidates.
5. In Phase 4, granting, formalization, incorporation, and monitoring of contracts will proceed as follows: (1) Final resolution from the director of the ICAC granting the positions; (2)

- Signing of employment contracts with the successful candidates; (3) Incorporation of the hired individuals into their positions; (4) Monitoring and evaluation of the hired individual according to the clauses established in the contract.
6. In addition to the procedure established in the previous sections, the announcement of the offer will describe, among other things, the following aspects: the object of the offer; the number of contracts offered; the requirements that candidates must meet; the specific characteristics of the contract; the amount of remuneration; the deadline for submitting applications; the duration of the contract, which may be fixed-term or projected; the procedure to be followed for evaluating the applications.
 7. The fixed-term or indefinite employment contract that will be signed will include, among other things: the rights and obligations of the hired individuals; the compatibility of the contract; the protection of personal data; the codes of conduct and ethics; other aspects deemed appropriate in accordance with current legislation.

Article 10. Fixed-Term Hiring Funded by Competitive External Assistance

ICAC participates in competitive calls issued by various national or European public administrations. In these cases, the contracting procedure to be followed will be that established in the announcement from the inviting institution. Once the grant for hiring the candidate has been awarded and the corresponding requirements have been met, the procedure outlined in Article 9.5 will be followed; however, the resolution from the director or directorate will not be necessary.

Article 11. Fixed-Term Hiring for Temporary Contracts to Cover Vacant Positions (Interim Contracts)

When it is necessary to formalize a temporary interim contract to cover a vacant permanent position, the public offer procedure described in Article 9 will be used.

Article 12. Extension of the Duration and Dedication of Contracts

1. For extraordinary reasons that are duly justified, it will be possible to extend the duration and/or dedication of contracts entered into under this Instruction. A resolution from the director or director of the ICAC will be required to approve the modification for the extension of the contract, which will subsequently be formalized with the corresponding addendum to the current contract.
2. Prior to the resolution from the director or director of ICAC, the administrator will draft the proposal for the extension of the current fixed-term contract, accompanied by a technical report outlining the reasons for the proposal, signed by the responsible researcher or technician promoting it. This will also include a certificate of budget credit reservation and, if applicable, a forecast of the cost for the following fiscal year.
3. The dedication of contracts signed on a part-time basis may be increased as many times as necessary, up to a full-time dedication in any contractual modality described in this Instruction.
4. The duration of fixed-term contracts may be extended as many times as necessary, without modifying the type of contract signed and as long as current legislation allows it, up to a maximum duration determined according to the following modalities:
 - 1) Training contract in alternation: up to a maximum of 2 years.
 - 2) Training contract for professional practice: up to a maximum of 1 year.
 - 3) Fixed-term contract funded by European funds (Recovery, Transformation, and Resilience Plan or other non-competitive funds): up to the maximum allowed by the subsidized project.
 - 4) Fixed-term contract for unforeseen production causes: up to a maximum of 6 months, and may only be extended once for a total of 6 months.
 - 5) Fixed-term contract for occasional events: up to a maximum of 90 days.
 - 6) Fixed-term contract for temporary substitutions: for as long as necessary to cover a leave of absence due to temporary incapacity or to fill a vacant position.
 - 7) Predoctoral fixed-term contract: up to a maximum of 4 years.

- 8) Fixed-term contract for access to doctoral researchers: up to a maximum of 6 years.
- 9) Fixed-term contract for distinguished researchers: for the duration agreed upon by the contracting parties.
5. The procedure established in this article will not be necessary when contracts have a forecasted end date instead of a fixed end date. The forecasted duration may only be extended up to the maximum duration described in the previous point.

Repealing Provision

Single Provision. The Instruction 2/22, dated July 1, 2022, on temporary labor contracting at the Catalan Institute of Classical Archaeology is hereby repealed.

Final Provision.

Single Provision. This instruction will enter into force on September 15, 2022.

Josep Maria Palet Martínez,
ICAC's director
(002.22-Ins.Dir.Contrac.laboral tempo set22.docx.jpe)