

## **INSTRUCTION 2/24, October 11, 2024, on the regulation of the compatibility of activities at the Catalan Institute of Classical Archaeology (ICAC)**

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This instruction aims to regulate the procedure for requesting compatibility of activities that may arise outside the Catalan Institute of Classical Archaeology.

### **1. General Considerations**

The incompatibility system is currently regulated by Law 53/1984, of December 26, on incompatibilities of personnel in the service of public administrations, which establishes that personnel serving in the public administration, whether civil servants or labor personnel, cannot engage in any other activity, whether in the public or private sector, except in cases where the law permits.

Compliance with public duties is incompatible with holding any position, profession, or activity, whether public or private, self-employed or otherwise, compensated or merely honorary, if it hinders or undermines the exact fulfillment of the duties of the civil servant or labor personnel, compromises impartiality or independence, or harms the general interests.

Law 21/1987, of November 26, regulates the regime of incompatibilities of personnel in the service of the Administration of the Generalitat and includes high-ranking officials of the public administration of Catalonia within its scope of application.

It is also necessary to take into account the declaration of the ruling of the Constitutional Court 178/1989, of November 2, which expands incompatibilities with the aim of ensuring that each worker dedicates themselves exclusively to a single job, as this goal is connected to the principle of effectiveness.

The law allows for the compatibility of certain activities and may authorize compatibility in specific cases.

### **2. Regulation of the Procedure for Requesting Compatibility**

The exercise of a second job or public or private activity requires, in all cases, prior express authorization (Art. 17.1, Law 21/1987, of November 26, on Incompatibilities of personnel serving the Administration of the Generalitat) and the following will be taken into account:

1. In the case of combining two public activities, the sum of both workdays may not exceed 67.5 hours per week.
2. In the case of combining the primary public activity with a private activity, the ordinary workday of the Administration (37 hours 30 minutes) may not be exceeded by more than 50%. That is, the limit would be 56 hours and 15 minutes per week.
3. In the case of combining the primary public activity with a second public activity and a third private activity, the limit of 56 hours and 15 minutes per week cannot be exceeded, considering that the maximum for the two public activities combined may not exceed 40 hours per week.
4. Regarding compensation, there is only a limit in cases where two public activities are combined:
5. The total remuneration that can be received as a result of the authorizations granted under Article 4 of Law 21/1987, of November 26, may not exceed the remuneration corresponding to the primary activity, estimated based on an ordinary workday, increased according to the following percentages:
  - a) 30% for personnel in Group A or equivalent level
  - b) 35% for personnel in Group B or equivalent level
  - c) 40% for personnel in Group C or equivalent level
  - d) 45% for personnel in Group D or equivalent level

e) 50% for personnel in Group E or equivalent level

Exceeding these remuneration limits, on an annual basis, will require an express agreement from the Governing Council and may only be granted based on reasons of special interest for the service.

Within the scope of this law, remuneration is understood as any right of economic content derived directly or indirectly from a service or personal performance, whether the amount is fixed or variable, and whether it is credited periodically or occasionally.

6. Whether the activity is remunerated or not, a compatibility request must be submitted prior to carrying out the new activity.
7. Failure to comply with the rules on incompatibilities is considered a very serious offense.
8. Engaging in activities compatible with one's functions without obtaining the necessary authorization is considered a serious offense.

This instruction is issued in accordance with what is established, regarding instructions and service orders, in Article 7.1 of Law 26/2010, of August 3, on the legal regime and procedure of public administrations of Catalonia, and Article 6 of Law 40/2015; and also in accordance with the powers assigned to me as the administrator of the Institute by Article 16 of its Statutes.

Tarragona, October 11, 2024

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