

## Labor Agreement (LA) Article 13

### Termination of Work Contract

1. Work contracts maybe terminated only for appropriate reasons and employees may not be separated for political or ideological reasons.
  
2. Termination of work contract may occur due to:
  - a. Expiration
  - b. Retirement due to old age or disability
  - c. ***Revocation by mutual agreement***
  - d. Removal with just cause promoted by 65 ABW
  - e. Recision on employee's initiative
  - f. Recision by either party during the trial period
  - g. ***Collective removal, including but not limited to lack of work, lack of funds, organizational realignment or other mission changes.***
  
3. Termination of work contract ***with indemnity*** may occur due to:
  - a. Revocation by mutual agreement
  - b. Collective removal as defined above
  
4. The indemnity payable to employees who have their employment terminated under the terms specified in paragraph 3 is computed as one month pay, including English language bonus, for each full year of creditable service at the rate received immediately before separation. In no case shall an eligible employee receive less than three months pay.

## SOCIAL WELFARE

### QUALIFYING CONDITIONS

The beneficiaries have to satisfy all the following conditions:

- To be covered by the general social security scheme for employed persons
- 45 years of age or over at the date of the termination of their work contract
- A minimum period of 15 years with registered earnings under the general scheme
- To have been employed by the foreign military employer for a least 10 years within the period immediately prior to the date of the termination of the work contract.

## **Work Regulation (WR) Article 73**

### **Revocation by Mutual Agreement**

1. 65 ABW and the employee may agree to terminate employment (work contract) under the terms of the following paragraphs:
  - a. The agreement to terminate employment (work contract) must consist of a document signed by both parties. Each party will maintain their own copy.
  - b. The document should expressly mention the date the agreement was signed and its effective date.
  - c. In the same document, the parties may agree to provide other terms, as long as they do not violate Portuguese Law.

## **Work Regulation (WR) Article 76**

### **Reduction in Force and Termination by Collective Dismissal**

1. Whenever 65 ABW intends to release employee by either separation from the roles, reassignment involving displacement or change to lower grade as a result of lack of funds, lack of work, organizational realignment or other mission change, a formal notice of intention will be delivered to the HAAZ.
2. The formal notice will describe the basis for the reduction in force and a listing of affected positions by various sections. The HAAZ will consult with IRT, and has 30 calendar days to provide any comments to 65 ABW. On the same date as the formal notice to HAAZ, a copy of the notice will also be sent to Committee of Employees' Representatives (CRT).
3. The following criteria will be used by the Civilian Personnel Flight (CPF) to identify affected employees.
  - a. Competitive Area: All employees within 65 ABW will compete for the remaining positions.
  - b. Competitive Levels: Names of employees are grouped according to competitive levels defined as all positions in the competitive areas which are similar in kind and grad and between which employees could be readily interchanged without undue interruption to the work program.
  - c. Minimum Service Time: Employees will be ranked within competitive levels by service computation date. Any employee identified is entitled to

be reassigned to any vacant position for which they qualify. If no vacancy exists, the identified employee is entitled to return to his formal position or other positions within the same competitive level unless the employee holding the former position has a later service computation date.

4. Subsequently, a notice will be issued to each affected employee a least 30 days in advance of the separation date. The notice will contain information specified in the Portuguese Civilian Personnel Regulation, Lajes Field Regulation 36-4. If 65 ABW fails to comply with this period, they will pay the employee the wages corresponding to the advance notice period unless the parties mutually agree to an earlier release date.
5. During the advance notice period, the worker is entitled to 64 hours without prejudice to his/her pay to for alternative employment. The credit of hours can be divide up by some or all the days of the week, as per the worker's choice, subject to supervisory approval based on mission requirements.
6. Employees who wish to appeal the separation use the procedures of Article 86 of this regulation and Article 15 of the Labor Agreement.
7. The potential remedies of an invalid removal are as stated in Article 85.
8. Employees who are changed to lower grade will be granted pay retention under Article 9 of this regulation.

### **Labor Agreement (LA) Article 6**

#### **Work Contract**

1. Portuguese employees are bound to 65 ABW by a work contract which is manifested by a position description (PD).
2. The contract identifies the pay plan, occupational series, and grade of the employee's current position as well as the major duties and responsibilities of the job listed in the PD.