

Order No 125-A/2019

30 April

The publication of Law No 12-A/2008, of 27 February, that established the new employment relationships, careers and compensations systems, has started a new human resources management cycle in public administration centred on the balance between the need of filling work posts essential to the carrying out of activities of public services and the compensation of the workers' performance who therein already fulfil their functions. The open competition procedure for filling the work posts, constitutionally required, has played therefore a central role in the staff management who fulfil public functions.

As a result of this piece of legislation the Order No 83 –A /2009 of 22 January has been passed, that has regulated the referred to procedure.

After 10 years having been elapsed subsequent to its publication and the entry into force, and taking into consideration the publication of Law No 35/2014 of 20 June, that has approved the General Labour Law in Public Functions, it is important to approve a new order that rules the legal steps of the open competition procedure, under the terms provided for in paragraph 2 of article 37 of the referred to piece of legislation, in order to adjust that procedure to the current reality, by conciliating the simplification and procedural streamlining, fundamental to meet the services' needs with the minimum of administrative burden, with all guarantees of candidates in terms of transparency and equal opportunities, and that essentially aims to:

Speed up and simplify the legal steps of open competition procedures, through the preferential use of electronic means;

Clarify the open competition procedure modalities, automatizing and regulating the legal steps of the centralized recruitment to meet the needs of a set of public employers;

Identify the Directorate General for Qualification of Workers in Public Functions - INA as the centralizing recruitment entity, with a view to rationalizing human and financial means in the carrying out of open competition

procedures, by making them speedier and a more uniform and equitable application of selection methods;

Update the jury's composition and operational rules, for a speedier operationalization of recruitment procedures.

The following bodies of the own government of the autonomous regions, the National Association of Portuguese Municipalities and the National Parish Association have been heard.

The procedures resulting from the General Labour Law in Public Functions, passed by Law No 35/2014 of 20 June, in its current wording have been complied with.

Thus:

Pursuant to provisions set out in paragraph 2 of article 37 of the General Labour Law in Public Functions:

The Government by the Minister of Finance decrees as follows:

CHAPTER I

Object and definitions

Article 1

Object

1 – The present order regulates the legal steps of the open competition procedure as per paragraph 2 of article 37 of the General Labour Law in Public Functions, approved by Law No 35/2014 of 20 June (GLLPF).

2 – The present order shall not be applicable to the recruitment for a work post that shall be filled by a worker integrated into a special career, when, in accordance with paragraph 3 of article 37 of the GLLPF, there is specific regulation for the legal steps of the respective open competition procedure.

3 –The present order is also inapplicable to the recruitment for management positions.

Article 2

Definitions

For the purposes of the present order, it is understood as:

a) «Recruitment» the set of procedures that aim to attract qualified candidates, able to meet the staff needs of a public employer or to establish reserves to meet future needs;

b) «Open competition procedure» the number of operations that aim to fill work posts needed for developing activities and pursuing public services' objectives;

c) «Staff selection» the number of operations framed in the recruitment process that, through the use of appropriate methods and techniques enables to assess and classify candidates according to the skills necessary to the performance of activities inherent to the post to be filled;

d) «Selection methods» specific techniques to appraise the adequacy of candidates to requirements of a given work post, having as a reference a previously defined skill profile;

e) «Skills profile» the list of competences and behaviours that are directly associated with the work post, identified as the most relevant for a quality performance based on the function analysis and professional context in which the same is inserted;

f) «Contingent» the estimated initial number of work posts to be filled, by reference or set of references, namely within the scope of the centralized recruitment procedure;

g) «Reference», within the scope of the centralized recruitment, skills profiles that are established, at the very least, by the identification of the functional area and qualification area required;

h) «Recruitment centralized entity», in short, referred to as RCE, the Directorate General for Qualification of Workers in Public Functions (INA);

i) «Reference pay step» the pay step of a given career and or category that, if there is room to negotiate the pay step, the top manager of the public service considers offering to the workers to be recruited, determined according to budget availabilities, without prejudice to the possibility of, justifiably, be able to offer different pay step under the terms and with observance of the s

legally defined limit in particular, in article 38 of the GLLPF.

CHAPTER II

General and common provisions

Article 3

Open competition procedure modalities

The open competition procedure can take different modalities:

a) Common, whenever it is intended to immediate recruitment for filling work posts provided for, and not filled, in the workforce lists of public services, as well as of future needs of the public employer;

b) For the formation of recruitment reserves, when it is intended to form staff reserves to meet future needs of the public employer;

c) Centralized recruitment to meet the needs of a set of public employers, that covers the procedure of formation recruitment reserve in a centralized entity and the placement offer procedures open as a result thereof.

Article 4

Recruitment scope

The recruitment scope is that one defined in article 30 of the GLLPF.

Article 5

Compulsory selection methods

1 – The compulsory selection methods, foreseen in article 36 of the GLLPF, according to the universes are as follows:

a) Knowledge tests that aim to assess academic and or professional knowledge and the capacity to apply the same to concrete situations in the fulfilment of a determined function, including the appropriate knowledge of the Portuguese language;

b) Psychological appraisal that aims to appraise skills, personality features and or behavioural competences of candidates, having as a reference the previously defined skills profile, and may encompass one or more phases;

c) Curricular appraisal that aims to analyse the qualification of candidates, considering the

elements of greater relevance for the work post to be filled;

d) Competence appraisal interview that aims to gather information on professional behaviours directly related to competences deemed essential for the fulfilment of the function.

2 – The weighting for the final valuation, of knowledge tests or of the curricular appraisal shall not be lower than 30 % and that one of the psychological appraisal or of the competence appraisal interview shall not be lower than 25 %.

3 – In the case of being legally permitted the use of a single compulsory selection method, its weighting shall not be lower than 55 %.

Article 6

Optional or complementary selection methods

1 – In addition to the compulsory selection methods, the entity entrusted with the holding of the procedure may, according to the set of tasks and responsibilities inherent to the work posts to be filled and the previously defined skills profile determine, the use of optional or complementary selection methods, namely the following:

a) Selection professional interview that aims to assess the professional experience and behavioural aspects, namely those which are related to the communication capacity and interpersonal relationship;

b) Competence appraisal by a portfolio that aims to confirm the experience and or the knowledge of the candidate in specific technical areas, namely of artistic nature, through the analysis of an organized work collection that demonstrates the technical competences held directly linked to the functions to which applies;

c) Physical tests intended to appraise the physical fitness of candidates needed to the performance of activities inherent to the work posts to be filled;

d) Medical examination that aims to assess the physical and mental health conditions of candidates required for the fulfilment of functions;

e) Specific training course that aims to promote the skills development of the candidate through

learning procedures targeted at the fulfilment of functions.

2 – The weighting for the final valuation, of each optional or complementary selection method shall not be higher than 30 %, without prejudice to that which is laid down within the scope of the centralized recruitment.

3 – The application of the optional selection methods may include one or more phases.

Article 7

Phased use of selection methods

1 – Whenever speed reasons are in question, namely when the recruitment is urgent or candidates in a number equal or higher than 100 have been admitted, the top manager of the public service responsible for the recruitment may phase the use of selection methods as follows:

a) Application, as a first moment, to the total candidates, only of the first compulsory method;

b) Application of the second method and the following methods only to a part of the candidates approved in the immediately prior method, to be called by successive sets of candidates, in decreasing order of rating by complying with the legal priority of their juridical and functional situation, up to the meeting of needs;

c) Exemption from application of the second method or the following methods to the remaining candidates, who are deemed excluded, without prejudice to provisions set out in subparagraph d), when the candidates approved pursuant to prior subparagraphs meet the needs that have led to the publication of the open competition procedure;

d) When the candidates approved in accordance with the prior subparagraphs, set out in the approved final ordering list, shall not meet the needs that have generated the publication of the open competition procedure, the jury of the open competition procedure shall be called again to fulfil their functions, and with the observance of provisions set out in subparagraph b), shall apply the method or following methods to

another set of candidates, who shall be notified for the purpose;

e) After the application of the selection methods to a new set of candidates, under the terms of the prior subparagraph, a new final ordering list of those candidates shall be drawn up, subject to approval.

2 – The option for the phased use of the selection methods, when it occurs after the procedure being open, it shall be publicized by the means provided for in subparagraphs b) and c) of paragraph 1 of article 11.

Article 8

Application of the selection methods

1 – The specific requirements of carrying out and the appraisal parameters of the selection methods shall be compulsorily set out in the open competition procedure publication.

2 – Without prejudice to provisions set out in the prior paragraph, the following rules shall be complied with:

a) In the carrying out of the knowledge test, in the written form, the anonymity of the candidate shall be ensured for correction purposes;

b) In the carrying out of the psychological appraisal and the medical examination shall be guaranteed and complied with:

i) The privacy of data and results before third parties, except the candidate himself/herself, under penalty of breach of confidentiality obligation;

ii) The result of the psychological appraisal has a 24 month validity calculated as of the date of approval of the final ordering list, and the result during that period may be used for other recruitment procedures for identical work posts undertaken by the same assessing entity, provided that the whole method has been applied to the candidate and the same has obtained positive result.

c) In the curricular appraisal, in the case of the performance appraisal being weighted, the jury shall define the positive score to be taken into account in the respective formula for the case of the candidates who, on grounds not attributable to them shall not have the performance

appraisal relative to the period to be taken into consideration.

Article 9

Selection methods valuation

1 – In the selection methods valuation, different rating scales are adopted, according to the specificity of each method, being the results converted into a scale from 0 to 20 scores.

2 – In the knowledge tests and in the skills appraisal by portfolio the scale from 0 to 20 scores shall be adopted and the valuation shall be considered up to the hundredths

3 – The psychological appraisal shall be valued as follows:

a) In each mid-phase of the method, through the rating mentions of Fit and Unfit;

b) In the last method phase, for the candidates who have completed it, or when the method is carried out in a single phase, through the rating levels of Very Good, *Good, Adequate, Unsatisfactory and Inadequate to which shall correspond respectively the ratings of 20, 16, 12, 8 and 4 scores.

4 – The curricular appraisal shall be expressed in a scale from 0 to 20 scores, with valuation up to hundredths, being the rating obtained through the simple or weighted arithmetic average of ratings of items to be appraised.

5 – The skills appraisal interview and the selection professional interview are appraised according to rating levels of Very Good, Good, Adequate, Unsatisfactory and Inadequate, to which shall correspond respectively the ratings of 20, 16, 12, 8 and 4 scores.

6 – The final result of the selection professional interview shall be obtained through the simple arithmetic average of parameter ratings to be appraised.

7 – The physical tests and the medical examination are appraised through the rating mentions of Fit and Unfit.

8 – The specific training course shall be rated from 0 to 20 scores, with valuation up to hundredths, according to results obtained by the

candidate in the matters taught and the skill level reached by him/her.

9 – Each one of the selection methods, as well as each one of the phases that are contained, shall be eliminatory in the order set out in the law, as to the compulsory ones, and in the order set out in the publicizing, with regard to the optional ones.

10 – The candidate who has obtained a valuation lower than 9,5 scores in one of the methods or phases shall be excluded from the procedure, not being applied to him/her the following method or phase.

Article 10

Notifications

The notifications provided for in the present order are carried out in one of the following ways:

- a) Electronic mail with delivery receipt of the notification or by other means of written or electronic data transmission;
- b) Registered letter;
- c) Personal notification;
- d) Notice published in the 2nd Series of the Official Gazette informing on its affixing in a visible and public place of the employer's premises as well as making it available on the website.

CHAPTER III

Common open competition procedure

SECTION I

Publicizing of the procedure

Article 11

Publicizing of the procedure

1 – The open competition procedure shall be publicized by the entity responsible for its carrying out:

- a) In the 2nd Series of the Official Gazette, by an extract, with exception of the provisions set out in the following paragraph;

- b) In the public employment pool (BEP), accessible on the www.bep.gov.pt, through the filling in of an appropriate form, containing data provided for in paragraph 4;

- c) On the entity's website, by extract available for consultation as of the date of publication in the BEP.

2 – When it is not compulsory the use of BEP, the publication in the 2nd Series of the Official Gazette shall be in full.

3 – The entity responsible for carrying out the procedure may still publicize it through other dissemination means namely in a national wide coverage newspaper by an extract.

4 – The integral publication contains, namely the following data:

- a) Identification of the act that authorizes the procedure and the entity that carries it out;
- b) Identification of the number of work posts to be filled and the respective modality of public employment relationship to be formed;
- c) Identification of the workplace where the functions are to be fulfilled;
- d) Characterization of the work posts, in accordance with that which is established in the approved workforce list, taking into account the assignment, competence or activity to be complied with or fulfilled, the career and category and the pay step.
- e) Admission requirements provided for in article 17 of the GLLPF;
- f) Indication on whether the open competition procedure is or not restricted to workers holders of a public employment relationship for an indefinite period of time
- g) Identification of the Government members' opinion, when workers with a fixed term public employment relationship or without public employment relationship may be recruited;
- h) Education qualifications level required and academic or professional training area, when provided for in the workforce list;
- i) Indication of the possibility of the substitution of the educational qualification level for training

or professional experience, whenever so it is intended and there is no legal hindrance;

j) Legal requirements especially foreseen for holding the category;

k) An indication that candidates shall not be admitted who, cumulatively, are integrated into the career, are holders of the category and are not under mobility, fill work posts provided for in the workforce list of the public service identical to work posts for whose filling the procedure is publicized;

l) Form and deadline for submission of the application;

m) Place and postal or electronic address where the application shall be submitted;

n) Selection methods, including the identification of the possible use of the power given by paragraphs 5 and 6 of article 36 of the GLLPF, the specific conditions of their carrying out and respective weighting, rating grid and final valuation system, as well as the remaining indications relative to methods required by the present order;

o) Indication of the possible option for selection methods under the terms of paragraph 3 of article 36 of the GLLPF;

p) Where appropriate, justification of the option for the use of selection methods in a staggered way, as per paragraph 1 of article 7;

q) Type, form, and duration of the knowledge tests, as well as the respective issues and specific bibliographies;

r) Composition and identification of the jury;

s) Identification of documents required for admission or candidate appraisal purposes and indication of the possibility of their submission by electronic means;

t) Form of publicizing the unitary list of candidate final ordering.

5 – The publication by an extract shall mention the identification of the entity that carries out the procedure, the number and characterization of the work posts to be filled, the identification of the career, category and academic or professional training area required, the deadline

for application, as well as the reference to the place where the integral publication is.

6 – The minutes of the jury, where the parameters appraisal are set out as well as the respective weighting of each one of the selection methods to be used, the rating grid and the final valuation system of the method, are publicized on the entity's website.

7 – Pursuant to the legislation in force a number of work posts to be filled by a disabled person shall be assigned.

SECTION II

Jury

Article 12

Jury

1 – The decision of holding the open competition procedure shall determine the designation by the public service top manager of a jury responsible for the recruitment.

2 – In the same act, the member of the jury who substitutes the president in his/her absences or impediments, as well as the substitutes of the full members, are designated.

Article 13

Composition of the jury

1 – The jury is composed of an odd number, for a minimum of three full members, one of them presides over and two are substitute members, workers of the entity that carries out the procedure and or another public service, without prejudice to provisions set out in paragraph 7.

2 – Without prejudice to the jury collective responsibility for the procedure, when the number of candidates so justifies it, the jury may be split into sections, made up of an odd number of members, for speed operationalization purposes of its functioning in some procedural phases.

3 – The possible split of the jury in sections shall be decided by the public service top manager responsible for the recruitment, on a proposal from the jury, of which the composition of the sections and their action scope shall be set out.

4 – The sections of the jury composed under the terms of the prior paragraphs are subject to the jury operation rules with due adaptations.

5 – The president and, at least, one of the other jury members must have training or experience in the activity inherent to the work post to be filled.

6 – The jury members shall not be integrated into a career or category with a functional complexity degree lower than that corresponding to the work post to which refers the publicizing, except when fulfilling top management positions.

7 – The composition of the jury shall, whenever possible, ensure that, at least, one of its members fulfils functions or has experience in the human resources management area.

8 – Whenever the training area characterizing the work post reveals justifiably its convenience, one of the jury members may be from a private entity and shall have recognized competence in such area.

9 – Whenever one of the jury members is from a private entity, shall be entitled to receive for each meeting in which effectively participate, an attendance fee of an amount to be set by decision of the Government members responsible for finance and public administration areas.

10 – Whenever holders of top management positions of grade 1 or 2 are candidates to the procedure of the public service that carries it out, the jury is compulsorily from outside that public service.

11 – The composition of the jury may be changed for reasons of force majeure, duly justified, namely in the case of absence of quorum, being assumed and continued all operations already undertaken in the procedure

12 – In the case provided for in the preceding paragraph, the identification of the new jury shall be publicized on the entity's website and all candidates shall be notified.

Article 14

Competence of the jury

1 – It is incumbent upon the jury to ensure the legal steps of the open competition procedure,

since the date of its designation up to the drawing up of the final ordering list, even though, at the initiative or decision of the top manager, the procedure may be partially carried out by a public specialized entity or, when justifiably becomes unfeasible, by a private one, namely in what concerns the application of selection methods.

2 – It is the responsibility of the jury namely the practice of the following acts:

a) Decide on the phases that comprise the selection methods and specific conditions of their carrying out, being compulsorily heard the entities that shall apply them;

b) Select the issues to be dealt with in the knowledge tests as well as define the type of test;

c) Set the appraisal parameters, weighting, the rating grid and the final valuation system of each selection method;

d) Require the public service where the candidate has fulfilled or fulfils functions, or the candidate himself/herself, for the professional and or education qualification information that deems relevant for the procedure;

e) Decide and substantiate, in writing, on the admission of candidates who though not holders of the educational qualification level required, submit their application to the procedure, as well as notify them, and the other candidates on that decision, in accordance with paragraphs 2 to 5 of article 34 of the GLLPF;

f) Check the capacity of disabled candidates to fulfil the functions inherent to the work posts, pursuant to the legislation in force;

g) Admit and exclude candidates from the procedure, reasoning in writing the respective decisions;

h) Notify in writing the candidates where required;

i) Request the top manager of the public service that carries out the procedure the collaboration of public specialized entities or, when demonstrably becomes unfeasible, private entities, when necessary, for carrying out part of the procedure;

j) Run the legal steps of the open competition procedure, in line and cooperation with entities concerned, namely with regard to check the justification of results of the selection methods applied;

k) Ensure to the candidates the access to minutes and documents and issue of certificates or certified reproductions, within the time limit of three working days calculated as of the date of entry, in writing, of the request;

l) Submit for approval of the top manager of the public service the unitary list of the final ordering of candidates approved and other decisions of the jury or the entity responsible for carrying out the procedure.

3 – The data referred to in the subparagraph c) of the preceding paragraph are defined at a time which is prior to the publicizing of the procedure.

Article 15

Operation of the jury

1 – The jury shall decide with the effective and presential participation of all its members, and the respective decisions shall be taken by a majority and in writing, in order to ensure, namely, the means of administrative proceedings against them and the access to administrative documents and administrative information.

2 – When considering more appropriate, the top manager of the service may designate, to support the jury in the fulfilment of its functions:

a) One person for the secretariat, from among the staff of services of the entity that carries out the procedure;

b) Experts or consultants who may participate in the jury meetings without a right to vote.

Article 16

Prevalence of the jury's functions

The open competition procedure is urgent and the specific functions of the jury shall prevail over all others, incurring the jury members in a disciplinary liability when unjustifiably shall not comply with the deadlines provided for in the present order.

SECTION III

Application

Article 17

Admission requirements

1 – Only the candidates who meet the requirements legally demanded, set in the respective publicizing may be admitted to the procedure.

2 – The checking of the meeting of requirements shall be carried out in two moments:

a) In the admission to the open competition procedure by jury's decision;

b) In the formation of the public employment relationship by the public employer.

3 – Without prejudice to provisions set out in subparagraph b) of the preceding paragraph, the candidate shall meet the requirements referred to in paragraph 1 up to the limit date of the application's submission.

Article 18

Deadline for application

The entity that authorizes the procedure shall establish, in the respective act, a deadline for application's submission, with a minimum of 10 and a maximum of 20 working days calculated as of the date of the notice's publication.

Article 19

Form of application's submission

1 – The application's submission shall be made preferably in an electronic format, through the filling in of a form that contains, *inter alia*, the following data:

a) Identification of the open competition procedure, with the indication of the career, category, and activity characterizing the work post to be filled;

b) Identification of the entity that carries out the procedure;

c) Identification of the candidate by the name, birth date, gender, nationality, ID number and mail, and email address, if there is one;

d) Situation before each one of the admission requirements demanded, namely:

i) Those provided for in article 17 of the GLLPF;

- ii) The identification of the public employment relationship held, when there is, as well as the career and category of which is holder, the pay step held on that date, the activity carried out and the public service where fulfils functions;
 - iii) Those related to the education qualification level and the academic or professional training area;
 - iv) The training or professional experience that may substitute the education level, where appropriate;
 - v) Those which special law so provides them for holding the corresponding category;
- e) Option for selection methods under the terms of paragraph 3 of article 36 of the GLLPF, where appropriate;
- f) In the case of disabled candidates, declaration of the respective degree of disability and type of disability, as well as data necessary to ensure that the selection processes of disabled candidates fit in the different facets to communication /expression capacities;
- g) Mention that the candidate declares being true the facts set out in the application.

2 –In the electronic application submission the validation shall be made by form submission made available for that purpose, accompanied by the respective *curriculum vitae* and other documents required in the procedure, and the candidate shall keep the supporting document.

3 – The application submission in paper format, when admitted, shall be carried out under the terms of articles 104 and following of the Code of Administrative Procedure.

Article 20

Document submission

1 – The meeting of requirements legally demanded for the recruitment shall be proven through document submission with the inclusion of documents relevant to the application or still at the time of the formation of the public employment relationship.

2 – The academic and professional qualification shall be proven by the copy of the respective

certificate or other trustworthy document, legally recognized for the purpose.

3 – Whenever there is place to the use of curricular appraisal methods and skills appraisal interview, the candidate shall submit the *curriculum vitae*.

4 – When the curricular appraisal method is used in the procedure, the candidates may be required to submit supporting documents of facts referred to by them in the *curriculum vitae* that may be taken into consideration for the evaluation of their merit and that are insufficiently proven.

5 – The public services issue the documentation requested, due for the application, within the time limit of three working days calculated as of the date of the request.

6 – Whenever one or more candidates fulfill functions in the public service that has publicized the procedure, the due documents are requested by the jury to the respective human resources service and unofficially delivered to the jury.

7 – The candidates referred to in the preceding paragraph shall expressly mention in the application that the documents are kept in their personal file.

8 – Failure to submit the supporting documents of meeting the requirements legally demanded shall determine:

a) The exclusion of the candidate from the procedure, when the absence of such documents makes their admission or appraisal unfeasible;

b) The impossibility of the formation of the public employment relationship, in the remaining cases.

9 – The jury or the public employer according to the cases may, at their initiative or at the request of the candidate, grant a reasonable supplementary time limit for document submission when it is assumed that failure to submit in time shall be due to causes non-attributable to candidate's intentional malice or negligence.

10 – Whenever it deals with a worker placed under a professional valuation situation whose application has been unofficially promoted by the respective managing entity the following shall be observed:

a) The notification shall be compulsory, to be made under the terms of provisions set out in article 10, for document submission due, in a supplementary time limit not lower than five working days calculated as per the provisions set out in paragraph 1 of article 22;

b) The filling in of an application form shall not be required and, at the time of the application or in the supplementary time limit to which refers the preceding subparagraph, only the document submission essential to the application of the respective selection methods shall be required, being postponed for the moment of formation of the public employment relationship to which refers subparagraph b) of paragraph 2 of article 17, the remaining documentation submission and or proof of meeting the requirements legally demanded.

11 – False document submission shall entail the communication to the competent entity for disciplinary or criminal proceedings purposes.

Article 21

Application analysis

1 – Once the time limit has been elapsed for application submission, the jury shall check in the following 10 working days, data submitted by candidates, namely the meeting of requirements demanded and document submission essential to the admission or appraisal.

2 – If there is no place for excluding any candidate, in the following 5 working days to the completion of the procedure provided for in the preceding paragraph the candidates are called under the terms of article 10 and paragraph 1 of article 24 and the procedures related to the use of selection methods are initiated.

3 – If there is place for excluding candidates, the provisions set out in the following section are to apply.

SECTION IV

Exclusion and notification of candidates

Article 22

Exclusion and notification

1 – In the 5 working days following to the completion of the procedure foreseen in paragraph 1 of the preceding article, the candidates excluded are notified for holding the prior hearing as per the Code of Administrative Procedure.

2 – The candidates referred to in paragraph 5 of article 34 of the GLLPF are notified in an identical time limit.

Article 23

Prior hearing

1 – For the purposes of provisions set out in paragraph 1 of the preceding article, a time limit not lower than ten days shall be granted for the stakeholders commenting on what they wish, calculated as of:

a) The date of the delivery receipt of the electronic message;

b) The date of the registered letter, being complied with the extension of three days of mail;

c) The date of personal notification;

d) The date of publication of the notice in the 2nd Series of the Official Gazette.

2 – Once the prior hearing has been held, the jury shall analyze the issues raised within the time limit of 10 working days.

3 – When the stakeholders heard are in a number higher than 100, the time limit referred to in the preceding paragraph shall be of 20 working days.

4 – Once the time limit has been elapsed referred to in the preceding paragraph without any decision having been taken, the jury shall justify in writing, the exceptional reason for that omission and the draft decision shall be deemed as definitely adopted.

5 – The allegations to be submitted by candidates and the decision to be taken on the same may have for support a standard form.

Article 24

Commencement of the use of the selection methods

1 – The candidates admitted are called, at least five working days prior to the commencement and by the way provided for in article 10, for carrying out the selection methods with indication on the place, date, and schedule in which the same shall take place.

2 – In the same time limit the procedures related to the use of the methods that shall not require the candidates' attendance shall be initiated.

SECTION V

Results, final ordering, and candidate recruitment

Article 25

Publicizing of the selection methods results

1 – The publicizing of results obtained in each interim selection method shall be undertaken through the alphabetically ordered list, affixed in a visible and public place of the public employer's premises and made available on its website.

2 – The candidates approved in each method are called for carrying out the following method, five working days in advance, by the way, provided for in article 10.

Article 26

Final candidate ordering

1 – The final candidate ordering who complete the procedure, with approval in all selection methods applied, shall be made by decreasing order of the weighted arithmetic average of quantitative ratings obtained in each selection method expressed in a scale from 0 to 20 scores.

2 – The final ordering list of candidates approved referred to in the preceding paragraph is unitary, even though in the same procedure, different selection methods have been applied to them.

3 – The final ordering list to which refers the preceding paragraph shall be drawn up within the time limit of 10 working days after the carrying out of the last selection method.

Article 27

Preferential ordering criteria

1 – In situations of equal valuation, the following candidates take precedence in the final ordering:

a) If they are in the situation foreseen in paragraph 1 of article 66 of the GLLPF;

b) If they are in other situations set by the law as preferential ones.

2 – The ordering of candidates who are under equal valuation and under a situation not set in the law as preferential shall be made in a decreasing way:

a) According to the valuation obtained in the first method used;

b) If the tie subsists, by the valuation successively obtained in the following methods, when another way of tiebreaker has not been set in the procedure publicizing.

Article 28

Prior hearing and approval

1 – The provisions set out in article 10 and in subparagraphs, 1 to 5 of article 23 shall be applicable to the final ordering unitary list of candidates approved with due adaptations.

2 – Within the time limit of five working days after the termination of the prior hearing, the final ordering unitary list of candidates approved, accompanied by the remaining jury's decisions, including those related to admission and exclusion of candidates, or of the entity responsible for carrying out the procedure, shall be submitted for approval by the top manager of the public service that has publicized it.

3 – In the case provided for in paragraph 10 of article 13, as well as when the top manager is a member of the jury, the approval of the list shall be the responsibility of the Government member who has management, oversight or supervision powers over the public service.

4 – The candidates, including those who have been excluded in the course of the selection methods' application, shall be notified on the approval act of the final ordering list.

5 – After the approval, the final ordering unitary list shall be affixed in a visible and public place of the public employer's premises and made available on its website, and a notice shall be still published in the 2nd Series of the Official Gazette with information on its publicizing.

Article 29

Recruitment

1 – The recruitment shall be made under the terms provided for in subparagraph d) of paragraph 1 of article 37 and in article 38 of the GLLPF.

2 – The candidates who, although approved and ordered in the final ordering unitary list, are in the following situations shall not be recruited:

- a) Refuse recruitment;
- b) Refuse the agreement or the adhesion proposal to a determined pay step put forward by the public employer;
- c) Submit inappropriate, false or invalid documents that shall not prove the requirements essential to the formation of the public employment relationship;
- d) Submit documents compulsorily demanded after the established deadline set by the public employer;
- e) If they shall not appear before the grant of the contract or acceptance, within the legal time limit, on grounds attributable to them;
- f) If they shall not meet the admission requirements at the time of formation of the public employment relationship.

3 – The candidates who are in situations referred to in the preceding paragraph shall be excluded from the final ordering unitary list.

Article 30

Termination of the open competition procedure

1 – Without prejudice to provisions set out in paragraph 3, the open competition procedure

shall terminate with the filling of the work posts set out in the publicizing or, when the work posts cannot be fully filled, by:

- a) Lack of or an insufficient number of candidates for carrying out the procedure;
- b) Lack of agreement in the pay step negotiation between the public employer and candidates set out in the final ordering unitary list.

2 – Exceptionally, the open competition procedure may still terminate by a duly reasoned act of the entity entrusted with its carrying out, approved by the respective Government member, provided that the notification of the final ordering list to candidates, within the scope of the prior hearing has not been done.

3 – Whenever, as a result of the common open competition procedure publicized by a public service, the final ordering list, duly approved, contains a number of candidates approved higher than the work posts to be filled; an internal recruitment reserve shall be formed.

4 – The recruitment reserve shall be used whenever, within the maximum time limit of 18 months calculated as of the approval date of the final ordering list, there is need to fill identical work posts, the provisions set out in paragraphs 1 and 2 and in article 29 with due adaptations are to apply.

5 – In the case referred to in paragraph 3, the open competition procedure shall terminate, at the latest, once the time limit mentioned in the preceding paragraph has been elapsed.

6 – During the validity of the internal recruitment reserve it is possible to commence a new open competition procedure; however, the placement shall not be made without previously being fully used the valid internal recruitment reserve.

SECTION VI

Guarantees

Article 31

Challenge in administrative proceedings

1 – The exclusion act of the candidate from the open competition procedure and the approval of the final ordering list may lead to the lodging of a

hierarchical or supervisory appeal, in accordance with the Code of Administrative Procedure.

2 – When the appeal decision of the exclusion act is favourable to the appellant, this one shall maintain the right to complete the procedure.

CHAPTER IV

Open competition procedure for formation of recruitment reserves in a public service

Article 32

Recruitment reserves in a public service

1 – The public service may publicize an open competition procedure exclusively intended to the formation of recruitment reserves, the provisions set out in chapter II and III and in article 30 with due adaptations are to apply.

2 – The use of the reserve resulting from the open competition procedure referred to in the preceding paragraph shall depend upon the lack of candidates in a reserve formed under the terms of paragraph 3 of article 30.

CHAPTER V

Centralized recruitment procedure

Article 33

Recruitment centralized entity

The centralized recruitment procedure shall be carried out by the Directorate General for Qualification of Workers in Public Functions (INA), as recruitment centralized entity (RCE), which it is incumbent upon to ensure the respective taking of procedural steps.

Article 34

Carrying out of the centralized recruitment procedure

1 – The Government members responsible for Finance and Public Administration areas may determine by decision, the carrying out by the RCE of a centralized recruitment procedure, namely according to human resources needs identified and approved in the authorized recruitment consolidated global annual list.

2 – The decision referred to in the preceding paragraph shall be published in the 2nd Series of

the Official Gazette, with indication, at least, of the areas to be covered by reference.

3 – In the case of using the possibility provided for in paragraph 7 of article 30 of the GLLPF, the Government members responsible for Finance and Public Administration areas shall determine the inclusion of the authorized recruitments in a procedure already open for the respective reference, and may still determine the carrying out of a new procedure.

4 – When at the time of publicizing the authorized recruitment consolidated global annual list there is a valid recruitment reserve, the needs identified are met by recourse to the reserve formed, without prejudice to the determination of a new procedure, when the same predictably is completely used.

5 – The needs covered by decisions referred to in paragraphs 1 and 3 may only be met through centralized recruitment.

6 – The Government members responsible for Finance and Public Administration areas may approve a table relating to amounts to be charged for carrying out the centralized recruitment and defining the respective payment method.

Article 35

Definition of “contingent”

1 – When it is not defined in the decision to which refers paragraph 2 of the preceding article, “contingent” shall be that which is defined in the authorized recruitment consolidated global annual list.

2 – When necessary for the allocation of the contingent, the public services are notified by the RCE for, in the time limit of three working days informing on the characterization of work posts approved in the authorized recruitment consolidated global annual list.

Article 36

Commencement of the procedure for reserve formation

1 – After the publication of the decision provided for in paragraph 2 of article 34, the RCE shall publicize the procedures for recruitment reserve formation, abiding by, with due adaptations, the

provisions set out in article 11 and shall designate the respective jury composed of RCE's workers.

2 – The provisions set out in articles 12 to 16 shall be applicable to the jury with due adaptations.

Article 37

Application for the reserve formation procedure

1 – The centralized recruitment procedure takes place in the Public Employment Pool (PEP) while platform dedicated, and is carried out by electronic means, including the respective notifications.

2 – The time limit for application submission shall be set between a minimum of 10 and a maximum of 15 working days, calculated as of the date of publication of the opening notice in the PEP.

3 – Once the time limit for application submission has been terminated, the jury carries out, within the maximum time limit of 10 working days, the checking of data submitted by candidates, namely the meeting of requirements demanded.

4 – After the procedure provided for in the preceding paragraph, the candidates excluded are notified for holding the prior hearing, under the terms of the Code of Administrative Procedure.

Article 38

Application of selection methods for the reserve formation

1 – The selection methods to be applied to the procedure for reserve formation are the knowledge test and the psychological appraisal.

2 – The jury calls the candidates admitted for carrying out the knowledge test, as per subparagraph a) of paragraph 1 of article 7, with the indication of the place, date, and schedule in which the application of the selection method shall take place, and the same call shall be at the very least no later than five working days.

3 – The application of the psychological appraisal shall be made under the terms of the

subparagraph b) and following of paragraph 1 of article 7, with due adaptations, and the sets of candidates shall be defined in proportion of three for each vacancy of the number to be recruited, when established or by the RCE at the application time.

Article 39

Final ordering of reserve candidates

1 – The final ordering of candidates approved in the knowledge test and psychological appraisal, shall be made by decreasing order of the rating, expressed in the scale from 0 to 20 scores, resulting from the arithmetic average with the following weightings:

a) Knowledge test: 70 %;

b) Psychological appraisal: 30 %.

2 – The final ordering list of the reserve candidates shall be drawn up within the time limit of two working days calculated as of the completion of the psychological appraisal, all candidates shall be notified, including those who have been excluded from the application of the selection methods, for the purposes of carrying out the prior hearing, in accordance with the Code of Administrative Procedure.

Article 40

Approval of the reserve final ordering list

1 – Within the time limit of two working days after the completion of the prior hearing, the reserve final ordering list shall be submitted by the jury for approval of the RCE's top manager.

2 – The approval referred to in the preceding paragraph shall be undertaken within the time limit of two working days.

3 – The candidates, including those who have been excluded, from the application of the selection methods, shall be notified of the approval act of the ordering list.

4 – The final ordering unitary list, after approval, shall be publicized in the PEP.

5 – Pursuant to article 31 the approval act of the final ordering list may be the object of administrative challenge against it.

6 – The recruitment reserve shall be composed of candidates approved for the respective reference as per their ordination.

7 – In equal situations of final rating, at the time of reserve formation, the provisions provided for in paragraph 2 of article 27, are to apply and the following criteria by decreasing order shall be still observed:

- a) Higher education qualification level;
- b) Younger age;
- c) The final average of the educational qualification level held;
- d) Being not the holder of a public employment relationship for an indefinite period of time.

Article 41

Recruitment reserve formation

1 – The recruitment reserve shall be composed of the first approval of the reserve final ordering list, according to the reference defined in the opening notice and has a 24-month validity, calculated as of the date of carrying out the knowledge test.

2 – The reserve final ordering list may be recomposed as a result of the application of paragraph 12 of article 42, and of articles 43 and 44.

3 – The inclusion of candidates in the recruitment reserve shall not have the effect of public employment relationship formation.

4 – The following situations are causes to exclude candidates from the recruitment reserve:

- a) Withdrawal from the permanence in the recruitment reserve;
- b) Non-application submission to any placement offer procedure, within a time limit of one year calculated as of the approval of the reserve final ordering list;
- c) Non-appearance or withdrawal from the selection professional interview for which have been called, for reasons attributable to them, within the scope of the placement offer procedure;

d) Refusal to conclude an employment contract in public functions or of appointment acceptance, following a placement offer procedure;

e) Conclusion of an employment contract in public functions or appointment acceptance, following a placement offer procedure.

5 – In situations provided for in subparagraph c), the exclusion from the recruitment reserve only takes effects after the approval of the offer placement list.

Article 42

Placement offer procedure

1 – Once the recruitment reserve has been formed, the public services covered by the decision referred to in article 35 are notified by the RCE for, within the time limit of three working days identifying the representatives for the formation of the jury, indicating that who presides over and, defining the desired number of candidates, according to the limits provided for in paragraph 6 and the RCE's top manager shall designate the jury.

2 – Once the time limit referred to in the preceding paragraph has been terminated without the public service having communicated, the jury shall be designated by the RCE's top manager, from among the respective workers, and the minimum number allowed of candidates shall be observed.

3 – The selection method to apply in the placement offer procedure shall be the selection professional interview.

4 - The RCE shall publicize the offer in the PEP, indicating, namely:

- a) The reference;
- b) The public service and respective work posts,
- c) The workplace;
- d) The indication that the appraisal parameters of the selection professional interview, the rating grid, and the final valuation system, are made available to candidates upon request;
- e) The composition of the jury for each reference and public service.

5 – Within the time limit of three working days calculated as of the publicizing referred to in the preceding paragraph, the candidates who intend to carry out the selection professional interview shall indicate in the PEP, in order of preference, the public services whose needs have been publicized.

6 – The candidates are called by the RCE, and the following limits per public service shall be observed:

a) Between one and five work posts, at least twice and at most five times that number;

b) More than five work posts, at least twice and at most three times that number.

7 – According to the ordering in the reserve and the preferences manifested, the candidate may be called up to a maximum of five interviews.

8 – Once the interviews have been concluded, the offer ordination lists shall be drawn up and the candidates notified, by public service, and the final rating shall be calculated in a rating scale from 0 to 20 scores, as a result of the following weighted arithmetic average:

a) Rating obtained in the reserve final ordering list: 30 %;

b) Rating obtained in the selection professional interview: 70 %.

9 – Hereinafter an offer placement list shall be drawn up, that shall contain the candidates placed and those who have not been placed, ordered by reference to the reserve final ordering list, presenting for each candidate interviewed the final result that stems from the combination of the following elements:

a) The rating calculated under the terms of paragraph 8 of the present article;

b) The order of preference manifested by the candidate for carrying out the selection professional interview;

c) The work posts available in public services.

10 – The candidates shall be notified on the offer placement list for prior hearing purposes, to be held within the time limit of 10 working days.

11 – Once the prior hearing has been concluded, the offer ordering lists and the offer

placement list shall be approved by the RCE's top manager, within the time limit of two working days, this act may be subject to an administrative proceeding against it, as per article 31

12 – The candidates not placed shall remain in the reserve final ordering list keeping the corresponding rating.

Article 43

Procedure subsequent to the placement offer

1 – The RCE shall open a new placement offer for the same reference, according to the needs manifested by public services that are included in the decisions referred to in article 34, while there are candidates approved in the reserve list, during the respective term of validity.

2 – The work posts that have not been filled in a former offer procedure shall still be included in a new placement offer.

3 – For the purposes of the preceding paragraph the work posts publicized in an offer that have not been accepted or become vacant for not completion of the experimental period are also deemed not filled.

Article 44

Re-composition of the reserve final ordering list

1 – If there are no candidates in the valid reserve in a sufficient number for the needs manifested by public services that are included in decisions referred to in article 34, the RCE shall apply the psychological appraisal to a new set of candidates, in the proportion of three times those needs.

2 – The final ordering list of reserve candidates shall be drawn up within the time limit of two working days calculated as of the completion of the psychological appraisal, being the candidates excluded notified for the purposes of holding the prior hearing, pursuant to the Code of Administrative Procedure.

3 – Within the time limit of two working days after the completion of the prior hearing, the reserve final ordering list shall be submitted for

approval by the RCE's top manager with the new composition.

Article 45

Communication of starting functions

Once the placement offer procedure has been completed, the public services shall communicate to the RCE the conclusion of an employment contract in public functions or signature of the acceptance document, within the time limit of five working days after its conclusion for the purposes of exclusion from the reserve final ordering list.

CHAPTER VI

Final and transitional provisions

Article 46

Application of the selection methods by the RCE

1 – The recruitment centralized entity (RCE) may, still, apply selection methods to other open competition procedures, when requested to do so by public services that carry them out.

2 – For the purposes of provisions set out in the preceding paragraph, the Government members in charge of Finance and Public Administration areas shall approve the table relating to the amount to be charged by the RCE for the application of the selection methods.

Article 47

Return and destruction of documents

1 – The documentation submitted by candidates shall be destructed whenever its return shall not be requested within the maximum time limit of one year after the termination of the respective open competition procedure.

2 – The documentation submitted by candidates relating to open competition procedures that have been the object of a jurisdictional challenge may only be destructed or returned after the enforcement of the jurisdictional decision not susceptible of appeal.

Article 48

Temporal application

The present order shall be applied to open competition procedures that are publicized after the date of its entry into force.

Article 49

Revoking norm

The Order No 83-A/2009 of 22 January, amended and republished by Order No 145-A/2011 of 6 April, shall be revoked.

Article 50

Entry into force

The present order shall enter into force on the following day of its publication.

The Minister of Finance, Mário José Gomes de Freitas Centeno, on 30 April 2019.