



STATE MODERNIZATION AND PUBLIC ADMINISTRATION

Ministerial Order 125-A/2019, of 30 April

CHAPTER I

Object and definitions

Article 1

Object

- 1 — The present decree 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 (LTFP).
- 2 — The present decree order shall not be applicable to the recruitment for positions meant for special career workers, when, in accordance with paragraph 3 of article 37 of the LTFP, there is specific regulation for the legal steps of the respective open competition procedure.
- 3 — The present decree order also does not apply to the recruitment for management positions.

Article 2

Definitions

For the purposes of the present Ministerial 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 set of procedural steps meant to fill positions needed for developing activities and pursuing public services' objectives;
- c) «Staff selection» is 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 for 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 position, having as a reference a previously defined skill profile;
- e) «Skills profile» the list of skills and behaviours that are directly associated with the position, 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 positions to be filled, by reference or set of references, namely within the scope of the centralised recruitment procedure;



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

h) «Centralised recruitment entity», in short, referred to as CRE, the Directorate General for Administration and Public Employment (DGAEP);

i) «Reference pay step» is the pay step of a given career and or category that, if there is room to negotiate it, the top manager of the body or service considers offering to the workers to be recruited. The negotiation is determined according to budget availabilities, without prejudice to the possibility of, justifiably, may offer different pay step under the terms and with observance of the legally defined limits, in particular in Article 38 of the LTFP.

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 positions foreseen and not filled in the staff 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) Centralised recruitment to meet the needs of a set of public employers, covering the procedure of forming a recruitment reserve in a centralised entity and the placement offer procedures opening as a result thereof.

Article 4

Recruitment scope

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

Article 5

Selection methods

1 — The selection methods are those provided in article 36 of the LTFP, according to the cases foreseen therein:

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

c) Curricular assessment that aims to analyse the qualification of candidates, considering the elements of greater relevance for the position to be filled;

d) Skills assessment interview that aims to gather information on professional behaviours directly related to skills 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 one of the psychological appraisal or the competence appraisal interview shall not be lower than 25% when each of these selection methods is to be applied.

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

Other selection methods

1 — In addition to the selection methods set out in the previous article, 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 that are related to the communication capacity and interpersonal relationship;

b) Skills assessment 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 organised work collection that demonstrates the technical skills 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 positions 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 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 centralised recruitment.

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



Article 7

Use of selection methods

1 — The selection methods shall be applied at a single time. The top manager of the body or service responsible for recruitment may choose their phased use, provided that this is duly justified.

2 — In case the selection methods are applied to all the candidates at a single time, the selection board may phase the evaluation of the selection methods, evaluating in the next method only the candidates who successfully passed the previous method.

3 — If the top manager of the body or service responsible for recruitment chooses to phase the use of the selection methods, he or she shall do so as follows:

a) Application, in 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 ordered list, shall not meet the needs that have generated the publication of the open competition procedure, the selection board of the open competition procedure shall be called again to fulfil their functions. They shall comply with the provisions set out in subparagraph b) and shall apply the method or following methods to another set of candidates, who will 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 ordered list of those candidates shall be drawn up, subject to approval.

4 — When the option provided for in paragraph 1 occurs after the opening of the procedure, it shall be publicised by the means provided for in sub-paragraphs b) and c) of Article 11, paragraph 1.

Article 8

Application of the selection methods

1 — The specific requirements of carrying out the assessment 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 evaluation and the medical examination, the following shall be ensured and complied with:
 - i) The privacy of data and results before third parties other than candidates themselves, under penalty of breach of the duty of professional secrecy;
 - ii) The result of the psychological assessment is valid for a period of 24-months following the date of approval of the final ordered list. During that period, it may be used for other recruitment procedures for identical positions undertaken by the same assessing entity, provided that the whole method has been applied to the candidate and the same has obtained a positive result.
- c) In the curricular assessment, if performance appraisal is being weighted, the selection board 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 values.
- 2 — In the knowledge tests and in the skills assessment by portfolio, the scale from 0 to 20 values shall be adopted, and the valuation shall be considered up to the hundredths
- 3 — The psychological evaluation 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 values.
- 4 — The curricular assessment shall be expressed on a scale from 0 to 20 values, 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 competency-based interview and the professional selection interview are assessed 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 values.
- 6 — The final result of the professional selection 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 values, 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 publicising, with regard to the optional ones.

10 — The candidate who has obtained a valuation lower than 9,5 values 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

1 — The notifications required by this ministerial order must be made by email or electronic platform, with a notification delivery receipt.

2 — Where notification via email or electronic platform is not appropriate, influenced notably by the pool of candidates, the remaining forms of the notification mentioned under paragraph 1 of article 112 of the Code of Administrative Procedure may be used.

CHAPTER III

Common open competition procedure

SECTION I

Publicising of the procedure

Article 11
Publicising of the procedure

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

- a) In the 2nd series of the Official Gazette, by an extract, with the 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 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 publicise it through other dissemination means, namely by publishing an extract in a nationwide coverage newspaper.

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

- a) Identification of the act that authorises the procedure and the entity that carries it out;
- b) Identification of the number of positions to be filled and the respective modality of the public employment relationship to be formed;
- c) Identification of the workplace where the functions are to be fulfilled;
- d) Description of the positions, in accordance with that which is established in the approved staff list, taking into account the assignment, skill or activity to be complied with or fulfilled, the career and category and the pay step;
- e) Admission requirements provided in article 17 of the LTFP;
- f) Indication of whether the open competition procedure is or not restricted to workers with 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) Level of education required and academic or vocational training area, by reference to the course;
- i) Indication of the possibility of the substitution of the educational qualification level for training or professional experience, whenever this is intended and there is no legal impediment;
- j) Any legal requirements specified 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 positions provided in the staff list of the public service identical to positions for the filling of which the procedure is publicised;
- 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 LTFP, 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 decree order;
- o) Indication of the possible option for selection methods under the terms of paragraph 3 of article 36 of the LTFP;
- 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 selection board;
- s) Identification of the documents required for the purposes of candidate admission or assessment and an indication of whether these can be submitted by electronic means;
- t) Form of publicising the final ordered unitary list of candidates.

5 — The publication by an extract shall mention the identification of the entity that carries out the procedure, the number and description of the positions to be filled, the identification of the career, category, and area of academic or professional training required, the deadline for application, as well as the reference to the place where the integral publication is.

6 — The minutes of the selection board, where the assessment parameters 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 publicised on the entity's website.

7 — Pursuant to the legislation in force, a number of positions to be filled by a disabled person shall be assigned.

SECTION II

Selection board

Article 12

Selection board

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

2 — In the same act, the member of the selection board 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 selection board

1 — The selection board is composed of an odd number of full members, with a minimum of three, one of whom presides, and two alternates, being either workers of the entity that carries out the procedure and or of another public service, without prejudice to provisions set out in paragraph 7.

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

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



4 — The sections of the selection board composed under the terms of the prior paragraphs are subject to the selection board operation rules with due adaptations.

5 — The president and, at least, one of the other selection board members must have training or experience in the activity inherent to the position to be filled.

6 — The selection board members shall not be integrated into a career or category with a functional complexity degree lower than that corresponding to the position to which the publicising refers, except when fulfilling top management positions.

7 — The composition of the selection board 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 of the position makes it justifiably convenient, one of the selection board members may be from a private entity and shall have recognised skill in such area.

9 — Whenever one of the selection board 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 order of the Government members responsible for the areas of finance and Public Administration.

10 — Whenever holders of top management positions of grades 1 or 2 are candidates to the procedure of the public service that carries it out, the selection board is compulsorily from outside that public service.

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

12 — In the case provided in the preceding paragraph, the identification of the new selection board shall be publicised on the entity's website, and all candidates notified.

Article 14

Selection board remit

1 — It is incumbent upon the selection board to ensure the legal steps of the open competition procedure, from the date of its designation up to the drawing up of the final ordered list. Even though, at the initiative or decision of the top manager, the procedure may be partially carried out by a specialised public entity or, when justifiably becomes unfeasible, by a private one, namely in what concerns the application of selection methods.

2 — The selection board's remit encompasses, namely, the following acts:

- a) To 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) To select the issues to be dealt with in the knowledge tests as well as define the type of test;
- c) To set the assessment parameters, weighting, the rating grid, and the final valuation system of each selection method;



- d) To require the body or service where the candidate has fulfilled or fulfils functions, or to the candidate himself/herself, the professional and or education qualification information that deems relevant for the procedure;
- e) To decide, and substantiate in writing, whether to admit candidates who though not holding of the educational qualification level required, submit their application to the procedure, as well as notify them and the other candidates of that decision, in accordance with paragraphs 2 to 5 of article 34 of the LTFP;
- f) To check the capacity of disabled candidates to fulfil the functions inherent to the positions, pursuant to the legislation in force;
- g) To admit and exclude candidates from the procedure, reasoning in writing the respective decisions;
- h) To notify in writing the candidates where required;
- i) To request the top manager of the public service that carries out the procedure the collaboration of specialised public entities or, when demonstrably becomes unfeasible, private entities, when necessary, for carrying out part of the procedure;
- j) To guide the open competition procedure, in line and cooperation with the entities concerned, namely with regard to checking the justification of results of the selection methods applied;
- k) To ensure candidates can access the minutes and documents and to issue 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) To submit for approval of the top manager of the public service the unitary list of the final ordered list of candidates approved and other decisions of the selection board 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 publicising of the procedure.

Article 15

Operation of the selection board

1 — The selection board shall decide with the effective and face-to-face attendance of all their 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 — If they deem it appropriate, the top manager of the service may designate to support the selection board 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 selection board meetings without a right to vote.

Article 16

Prevalence of the selection board's functions

The open competition procedure is urgent, and the selection board duties shall prevail over all others and be preferably performed on an exclusive basis. The selection board members incur disciplinary liability when, without justification, they fail to meet the deadlines set out in this ministerial order and other applicable laws.

SECTION III**Application**

Article 17

Admission requirements

- 1 — Only the candidates who meet the requirements legally demanded, set in the respective publication, 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 selection board'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 authorises the procedure shall establish, in the respective act, a deadline for the 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 — Unless expressly indicated and duly justified at the time of publication of the opening of the procedure, the application is submitted electronically by filling out a form that shall contain, among others, the following elements:
 - a) Identification of the open competition procedure, indicating the career, category, and activity of the position 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, mail, and email address, if there is one;
 - d) Situation before each one of the admission requirements demanded, namely:

- i) Those provided in article 17 of the LTFP;
- ii) The identification of any extant public employment relationship, as well as the career, category, and pay step held on that date, the activity carried out, and the public service where these functions are exerted;
- 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 LTFP, 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 of communication /expression capacities;
- g) Mention that the candidate declares being true, the facts set out in the application.

2 — When submitting the application, 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 expressly admitted, shall be carried out under the terms of articles 104 and following of the Code of Administrative Procedure.

4 — In an exceptional and duly justified case, the application may be submitted in paper format within the deadline set for its submission.

Article 20

Document submission

1 — The meeting of legal requirements for recruitment shall be proven by submitting the relevant documents either with the application or at the time of the formation of the public employment relationship.

2 — The academic and professional qualification shall be proven by a copy of the respective certificate or another trustworthy document, legally recognised for the purpose.

3 — Whenever the curricular assessment and skills assessment interview methods are used, the candidate shall submit their 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, except when they are held by Public Administration bodies or services. In this case, the selection board must obtain them unofficially.



5 — The deadline for the submission of supporting documents is five working days. The selection board may grant a reasonable additional period, not exceeding three working days, for the presentation of the documents required, when it is assumed that failure to submit in time shall be due to causes non-attributable to the candidate's intentional malice or negligence.

6 — (Repealed.)

7 — (Repealed.)

8 — Failure to present the supporting documents proving that the legally demanded requirements are fulfilled, when candidates are required to present them, determines:

- a) The exclusion of the candidate from the procedure when the absence of such documents makes their admission or assessment unfeasible;
- b) The impossibility of establishing a public employment relationship, in the remaining cases.

9 — (Repealed.)

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 candidate must be notified, in accordance with the provisions of article 10, to present the required documents, within an additional period of no less than three working days;
- 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. It is postponed for the moment of establishment 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 legal requirements.

11 — A 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 selection board shall check in the following five working days, elements submitted by candidates, namely the meeting of requirements demanded and document submission essential to the admission or appraisal.

2 - In the case, of the selection board analyses more than 15 applications, the deadline foresaw in the previous paragraph is increased to 10 working days.

3 - If no candidate is to be excluded, on the day after the completion of the procedure provided for in the preceding paragraph, the candidates are called, by email or through the platform used in the procedure, to carry out the selection methods. It is also indicated the place or the tool for carrying them out through remote communication means, as well as the date and time when they should take place within a maximum of five working days.



4 - In cases where have been the exclusion of candidates, in the two working days following the completion of the procedure provided for in paragraph 1 of the preceding article these ones are notified for holding the prior hearing as per the Code of Administrative Procedure.

5 - For reasons of procedural celerity, the selection board may call admitted candidates, as well as excluded candidates who made use of the faculty provided for in the preceding paragraph, to take part in the selection methods. In the case of the latter, the evaluation of the tests shall be conditional upon the reversal of the decision to exclude them.

6 - The calling of excluded candidates to take the test does not prevent the selection board from later confirming the candidate's exclusion, and candidates should be informed of this in advance.

7 - If applications on paper have been admitted, pursuant to paragraph 3 of article 19, the summons referred to in paragraph 3 of the present article are made in person or by registered letter to the candidates that have not used the electronic support.

SECTION IV

Exclusion and notification of candidates

Article 22

Exclusion and notification

1 — In the two working days following 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 LTFP are notified within an identical time limit.

Article 23

(Repealed.)

Article 24

(Repealed.)

SECTION V

Results, final ordering, and candidate recruitment

Article 25

Publicising of the selection methods results

1 — The publicising 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 - If the selection methods are applied in a single moment, the results obtained in the second selection method will only be displayed for the candidates who have passed the first selection method.

3 - If the top manager of the body or public service responsible for the recruitment has opted for the provisions set out in paragraph 3 of article 7, the candidates approved in each method are called for carrying out the following method, five working days in advance, by email or through the platform used in the procedure.

4 - If applications on paper have been admitted, pursuant to paragraph 3 of article 19, the summons referred to in the preceding paragraph is made in person or by registered letter to the candidates that have not used the electronic support.

Article 26

Final candidate ordering

1 — The final ordering of the candidates who complete the procedure, with approval in all selection methods applied, shall be arrived at by decreasing order of the weighted arithmetic average of quantitative ratings obtained in each selection method, expressed on a scale from 0 to 20 values.

2 — The final ordered 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 ordered list to which the preceding paragraph refers 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 LTFP;
- b) If they are in other situations set by the law or regulation 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) Are in other situations configured as preferential by law or regulation.

Article 28

Preliminary hearing and approval

1 — The provisions set out in article 10 shall be applicable to the final ordering unitary list of candidates approved with due adaptations.

2 — Within the time limit of two working days after the termination of the prior hearing, the final ordering unitary list of candidates approved, accompanied by the remaining selection



board's decisions, including those related to candidates' admission and exclusion, or of the entity responsible for carrying out the procedure, shall be submitted to the approval of the top manager of the body or service that has publicized it.

3 — In the case provided in paragraph 10 of article 13, as well as when the top manager is a member of the selection board, 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 of the formal approval of the final ordered list.

5 — After the approval, the final ordered 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 publicising.

Article 29
Recruitment

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

2 — The candidates who, although approved and ordered in the final ordered 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 ordered 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 positions set out in the publicising or, when the positions 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 ordered 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 ordered list to candidates, within the scope of the preliminary hearing has not been done.

3 — Whenever, as a result of the common open competition procedure publicised by a public service, the final ordered list, duly approved, contains a number of candidates approved higher than the positions 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 ordered list, a need arises to fill identical positions, 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 no later than the time limit mentioned in the preceding paragraph.

6 — It is possible to commence a new open competition procedure while the internal recruitment reserve is still valid; however, no placement shall be made until the valid internal recruitment reserve has been exhausted.

SECTION VI

Guarantees

Article 31

Administrative proceedings

1 — The exclusion act of the candidate from the open competition procedure and the approval of the final ordered 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 body or service

Article 32

Recruitment reserves in a body or service

1 — The public service may publicise an open competition procedure with the sole intent of forming recruitment reserves, in which case the provisions set out in chapters II and III and in article 30 apply *mutatis mutandis*.



2 — The use of the reserve resulting from the open competition procedure referred to in the preceding paragraph is conditional on the full depletion of any reserve formed under the terms of paragraph 3 of article 30.

CHAPTER V

Centralised recruitment procedure

Article 33

Recruitment centralised entity

The Directorate-General for Administration and Public Employment (DGAEP) shall carry out the centralised recruitment procedure, in its role of centralised recruitment entity (CRE) responsible for the respective procedural steps.

Article 34

Carrying out of the centralised recruitment procedure

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

2 - The order referred to in the preceding paragraph shall be published in the 2nd series of the Official Gazette, indicating, at least, 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 a valid recruitment pool reserve exists, the identified needs shall be met by recourse to the reserve formed, without prejudice to the determination of a new procedure when that reserve will foreseeably be exhausted.

5 — The needs covered by the orders referred to in paragraphs 1 and 3 may only be met through centralised 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

(Repealed.)

Article 36

Commencement of the procedure for reserve formation

1 — After the publication of the order provided in paragraph 2 of article 34, the ERC shall publicise the procedures for recruitment reserve formation, abiding by, with due adaptations,



the provisions set out in article 11 and shall designate the respective selection board composed of ERC's workers.

2 — The provisions set out in articles 12 to 16 shall be applicable to the selection board with due adaptations.

Article 37

Application for the reserve formation procedure

1 — The centralised recruitment procedure takes place in the Public Employment Pool (PEP) dedicated platform 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 selection board 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 in the preceding paragraph, the excluded candidates are notified by email or through the electronic platform used for holding the prior hearing, under the terms of the Code of Administrative Procedure.

5 - The excluded candidates who pronounce themselves under the terms of the preceding paragraph may undertake the selection methods referred to in the following article, without prejudice to the selection board can confirm their exclusion, and they must be informed of this in advance.

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 evaluation.

2 - The provisions laid down in articles 7, 21, 22, and 25 of this ministerial order shall apply to the carrying out of the selection methods.

3 - Should the top manager of the CRE have opted for the provisions laid down in paragraph 3 of article 7, the application of the psychological assessment, shall be made under the terms of subparagraph b) and following the same paragraph, with due adaptations. The sets of candidates shall be defined by the RCE at the time of its application.

Article 39

Final ordering of reserve candidates

1 — The final ordering of candidates approved in the knowledge test and psychological assessment shall be made in descending order of the score, expressed in the scale from 0 to 20 values, resulting from the arithmetic average with the following weightings:

- a) Knowledge test: 70 %;
- b) Psychological evaluation: 30 %.



2 — The final ordered list of the reserve candidates shall be drawn up within two working days of the completion of the psychological assessment. All candidates, including the excluded by way of the selection methods, shall be notified for the purposes of carrying out a preliminary hearing in accordance with the Code of Administrative Procedure.

Article 40

Approval of the reserve final ordered 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 selection board 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 the excluded by way of the selection methods, shall be notified of the approval act of the ordered list.

4 — after approval, the final ordered unitary list shall be publicised in the BEP.

5 — Pursuant to article 31, the approval of the final ordered list may be administratively challenged.

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 laid down in Article 27 shall 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, after 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 final ordered list of the reserve may be recomposed as a result of the application of paragraph 12 of article 42, as well as of articles 43 and 44.

3 — The inclusion of candidates in the recruitment reserve does not entail the formation of a public employment relationship.

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 ordered list;
- c) Non-appearance or withdrawal from the professional selection 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 in subparagraph c), the exclusion from the recruitment reserve only takes effect after the approval of the offer placement list.

Article 42

Placement offer procedure

1 — The placement offer procedure shall start with the definition of the work posts to be filled in by body or service covered, according to the needs verified at each moment and the references of the procedure.

2 — The definition provided in the preceding paragraph shall be carried out by the Government member responsible for Public Administration after hearing the other Government members.

3 - The RCE publicizes the offer in the PEP, stating namely:

- a) The job description of each work post, simply by mentioning the specific university degree or academic or professional training area that corresponds to it;
- b) The body or service and respective work posts;
- c) The workplace.

4 - Within the three working days following the publicising referred to in paragraph 3, candidates shall rank in PEP in order of preference, the bodies or services whose needs were advertised.

5 —Considering the preferences expressed, the RCE draws up the offer placement list of bodies and services, including the admitted and excluded candidates, ordered by reference to the reserve final ordering list.

6 —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.

7 — 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, as per Article 31.

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

9 — (Repealed.)



10 — (Repealed.)

11 — (Repealed.)

12 — (Repealed.)

Article 43

Subsequent placement offer procedure

1 — The RCE shall open a new placement offer for the same reference, according to the needs manifested by bodies or services under the terms of the preceding article, while there are candidates approved in the reserve list, during the respective term of validity.

2 — Any positions included in a previous placement offer procedure that nonetheless remained vacant are to be included in the new placement offer.

3 — For the purposes of the preceding paragraph, any positions that were publicised in an offer and were not accepted or were abandoned during the experimental period are also deemed vacant.

Article 44

Re-composition of the reserve final ordered list

1 — If there are no candidates in the reserve in a sufficient number for the needs manifested by the bodies or services, the RCE shall open a new application procedure, applying, with due adaptations, the provisions laid down in Articles 37 and following.

2 - The final ordering list of reserve candidates shall be drawn up on the working day after the completion of the psychological assessment, being the candidates excluded notified for the purposes of holding the prior hearing, pursuant to the Code of Administrative Procedure.

3 - On the day 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 CRE 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 ordered list.

CHAPTER VI

Final and transitional provisions

Article 46

Application of the selection methods by the CRE

1 — The centralised recruitment entity (CRE) may also apply selection methods whenever the public services responsible for other open competition procedures so request.



2 — For the purposes of the previous paragraph, the members of the Government responsible for the areas of finance and Public Administration shall approve the table of fees to be charged by the CRE for this service.

Article 47

Return and destruction of documents

1 — The documentation submitted by candidates shall be destroyed 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 destroyed or returned after the enforcement of the jurisdictional decision is no longer appealable.

Article 48

Temporal application

This Ministerial Order shall be applied to open competition procedures that are publicised after the date of its entry into force.

Article 49

Revocation norm

The Ministerial Order No 83-A/2009 of 22 January, amended and republished by Decree Order No 145-A/2011 of 6 April, is repealed.

Article 50

Entry into force

This Ministerial Order shall enter into force the day after its publication in the Official Gazette.