

## **PUBLIC EMPLOYMENT LEGAL RELATIONSHIP**

MSc Degree in Municipal Management

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Code: 21100

Main Scientific Area: Administrative and Tax Law

Lecturer: Ricardo Alexandre Sousa da Cunha

Language of Instruction: Portuguese

Regime: S1

Contact Hours: 30h Total Workload: 110h

ECTS: 5,0

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### **Objectives**

To provide the students with the knowledge and the skills inherent to the new legal regime about the escape paradigm from the Public link to the Privatization, as also, the procedures that guide the Public Hiring, as a pair of the legal instruments that are, by excellence, more used by the Public Administration in Portugal: the Public Administrative contracts, and the contracts mentioned in the Labour Law. It is indeed verified an escape from the Public Administration to the Private sector hiring, this phenomenon will be analysed in the classes.

Another objective is to clarify to the students the essential principals that guide the procedures phases and stages that conduct to the conclusion of contracts for the requalification as a lobby for dismissal.

### **Learning Outcomes**

Knowledge of the principal legal norms that regulate the legal relation of Public Employment, as also, the legal relation established with other agents, Public and Private, in the prosecution of this procedure. Analyse the influence of the Community Law with the Portuguese legislation within Public employment contracts.

### **Course Contents**

1 – Legal relation Framework of Public employment

1.1. Constitution methods of the legal relation in Public employment

1.2. Cessation methods of the legal relation in Public employment

1.3. Legal mobility regime

1.4. Public Administration Management and Performance Evaluation Integrated System (SIADAP – Sistema Integrado de Gestão e Avaliação do Desempenho na Administração Pública)

1.5. Remuneration

1.6. Career Regime

## 2 – The employment contract in Public functions

2.1. Objective and subjective scope

2.2. Contract formation, including the experimental period

2.3. Contractual rights and obligations – the workers rights

2.4. Salary and other patrimonial attributions

2.5. Resolutive term contract

2.6. Invalidity of the labor contract

2.7. Partial time labor contract

2.8. Contractual vicissitudes (activity reduction, contract suspension, early retirement licenses)

2.9. Duration and organization of labor time

2.10. Vacation, holidays and absence

2.11. Non-performance and cessation of the labor contract

2.12. Collective law

## 3 – Disciplinary regime of workers in Public functions

3.1. Scope of EDTFP

3.2. Power, infraction e disciplinary action

3.3. Common disciplinary procedure

3.4. Special disciplinary procedure 3.5. Disciplinary actions impugment: substantive

### **Recommended Bibliography**

NEVES, Ana Fernanda, *Relação Jurídica de Emprego Público*, Coimbra, Coimbra Editora 1999.

RAMALHO, Maria do Rosário Palma/BRITO, Pedro Madeira de, *Legislação do Trabalho no Sector Público*, Coimbra, Almedina, 2011;

Sítio na internet da Direcção-Geral da Administração e do Emprego Público: [www.dgap.gov.pt](http://www.dgap.gov.pt)

ANTUNES, Vera Lúcia Santos, *O Contrato de Trabalho na Administração Pública - Evolução, Reflexos e Tendências para o Emprego Público*, Coimbra, Coimbra Editora, 2010;

MOURA, Paulo Veiga e, Estatuto Disciplinar dos Trabalhadores da Administração Pública - Anotado, 2ª edição, Coimbra, Coimbra Editora, 2011;

MOURA, Paulo Veiga e/ARRIMAR, Cátia, Os Novos Regimes de Vinculação, de Carreiras e de Remunerações dos Trabalhadores da Administração Pública, 2ª edição, Coimbra, Coimbra Editora, 2010;

MOURA, Paulo Veiga e/ARRIMAR, Cátia, Comentários à Lei Geral do Trabalho em Funções Públicas – 1º Volume, Artigos 1º a 240º, Coimbra, Coimbra Editora, 2014;

PIRES, Miguel Lucas, Os Regimes de Vinculação e a Extinção das Relações Jurídicas dos Trabalhadores da Administração Pública, Coimbra, Almedina, 2013;

Sousa, Rui Correia, Lei Geral de trabalho em Funções Públicas Anotada e Comentada, Vida Económica, 2014

### **Learning and Teaching Methods**

The provided contents at the classes, in the course, are indispensable to the defined objectives/goals, which correspond to the complex Law requirements to labor hiring in the Portuguese Public Administration in an everyday that still lacks jurisprudence about law relation with public employment.

Within the course, there will be made available essential tools for the performance of public hiring labor duties.

### **Assessment Methods**

Evaluation: Written (individual) essay that will represent 100% of the final grade.

The theme of the essay will be previously chosen by the university lecturer.