PUBLIC EMPLOYMENT LEGAL RELATIONSHIP

MSc Degree in Municipal Management

Code: 21100

Main Scientific Area: Public Legal Sciences

Lecturer: Maria da Conceição Soares Alves

Language of Instruction: Portuguese

Regime: S1

Contact Hours: 30h Total Workload: 110h

ECTS: 5,0

Objectives

- Define the scope and object of Labor Law in Public Functions

- know how to characterize the different types of bond and work provision for the exercise of public functions and requirements of the parties for the constitution of the bond;

-Characterize the content of the employment contract in public functions and master the experimental period and the specificities that each type of bond involves;

- Know the different rights and duties of the parties to the public employment relationship;

- Explain and characterize the careers of workers in public functions;

- Master the regimes of duration of the contract and different types of working hours;

- Know qualitatively and quantitatively the remuneration and other equity benefits;

- Know and know how to correctly apply the vacation and absence regime of workers in public functions;

- Identify and understand the legal regime of the different forms of termination of the employment contract

Learning Outcomes

It is intended that students, at the end of the Curricular Unit:

1. Master the general principles of labor law in public functions and the legal relationship of public employment;

2. Know, understand and know how to apply the most relevant regimes provided for in the General Labor Law in

Public Functions, with regard to the different types of hiring; organization of working time; retribution; vacation; absences and contractual vicissitudes, and also the various forms of termination of employment contracts in Public Functions;

3. Be able to advise and know how to resolve practical issues in the field of applying Labor Law in Public Functions in public employment relationships.

Course Contents

1. Types of contract and provision of work for the exercise of public functions

2. Requirements for forming a public employment relationship

3. Guarantees of impartiality

4. Formation of the public employment relationship

5. Forms and modalities of the employment contract in public functions, trial period and invalidities

6. Rights, duties and guarantees of the public employee and employer

7. Activity, place of work and careers

8. Time and working hours

9. Right to vacation

10. Absence from work regime

11. Remuneration

12. Ways to terminate the contract

Recommended Bibliography

1. Legislação da Função Pública Anotada -Fernando Gonçalves,Manuel João Alves,Vitor Manuel Freitas Vieira,Rui Miguel Gonçalves, Almedina,

2. Comentários à Lei Geral do Trabalho em Funções Públicas, Paulo Veiga e Moura, Almedina;

3. O CONTRATO DE TRABALHO EM FUNÇÕES PÚBLICAS FACE À LEI GERAL DO TRABALHO - Cláudia Sofia Henriques Nunes, Coimbra Editora, Outubro 2014.

4. TEIXEIRA, Mariana Rufino, CONTRATO DE TRABALHO EM FUNÇÕES PÚBLICAS, Verlag Dashofer, 2009

Learning and Teaching Methods

Through points 1. to 6. of the syllabus, students will be able to identify, characterize and distinguish the different types of employment in public functions, as well as the different forms of contract; length of the trial period and consequences of non-compliance with the legal rules provided for the formation of the relationship; Students will also be able to identify the requirements that the parties (employer and worker) must meet to form a public employment relationship.

In turn, and with regard to point 6. of the syllabus, students will master the rights, guarantees and duties that the law confers on each party in the public employment relationship.

Points 7. and 8 of the syllabus will enable students to understand the content of the activity of workers in public functions, as well as characterize their workplace and the regime of their respective general and special careers and also know the rules regarding time work hours and rest breaks, as well as the definition and modality of the public servant's working day.

By studying points 9. and 10.., students will be able to apply the holiday entitlement regime in practice, particularly with regard to special cases of this right - year of admission; year of suspension of the contract and year of termination of the contract, as well as mastering the different types of absences and their effects.

By studying the material contained in item 11 of the syllabus, students will be able to understand the remuneration system for public servants and its components.

With regard to item 12 of the syllabus, they will be achieved through the analysis and study of the different types of termination of the relationship - expiry; agreement; termination for disciplinary reasons; termination by the employee with prior notice; termination by the employee with just cause - being able to identify the procedures required to operate the termination of the relationship in each of these forms of termination of the same contract.

Assessment Methods

Test Evaluation.

To pass, students must obtain a minimum grade of 9.5 points.