

THE GOVERNMENT OF ROMANIA

Emergency ordinance for amending and supplementing some normative acts, as well as for establishing measures in the field of social protection in the context of the epidemiological situation determined by the spread of coronavirus SARS-CoV-2

Art. I - Law no.19 / 2020 on granting parents free days for the supervision of children, in the situation of temporary closure of the educational units, published in the Official Gazette of Romania, Part I no. 209 of March 14, 2020, is amended and supplemented as follows:

1. Paragraph (3) of Article 1 shall be amended and shall have the following content:

(3) By word parent, for the purposes of this law, is understood to mean:

- a) biological parent;
- b) the adopter;
- c) the person who has the child / children in custody for adoption;
- d) the person who has the child or guardianship in placement;
- e) the person designated according to art. 104 paragraph (2) of Law no.272 / 2004, on the protection and promotion of the rights of the child, republished, with the subsequent modifications and supplements;
- f) the parent or legal representative of the adult person with a disability enrolled in an educational establishment

2. After paragraph 3 of Article 1, three new paragraphs (3¹), 3²) and (3³) are inserted, with the following content:

(3¹) Are entitled to the benefits from the provisions of this law the parent or legal representative of the child with severe non-schooling disability, who has opted for the allowance under the conditions of Law no. 448/2006 regarding the protection and promotion of the rights of persons with disabilities, republished, with subsequent modifications and completions, under the conditions that their daily service is suspended as a result of adverse weather conditions or other extreme situations so decreed by the competent authorities with responsibilities in the field.

(3²) The provisions of this law also apply to the parent or legal representative who has in his care, supervision and/or maintenance the adult person classified as having a serious handicap or

in a degree of severe handicap with a personal assistant for whom the compensation has been chosen in accordance with the Law no. 448/2006 regarding the protection and promotion of the rights of persons with disabilities, republished, with the subsequent modifications and completions and who benefit from day services, whose activity has been suspended due to adverse weather conditions or other extreme situations so decreed by the competent authorities with responsibilities in the field.

(3³) The provisions of this law do not apply if one of the parents is in one or more of the following situations:

- a) is in the leave provided in art. 2 paragraph (1) or art. 11 paragraph (2) or art. 31 paragraph (1) of the Government Emergency Ordinance no.111 / 2010 regarding the leave and allowances for the raising of children, approved by Law no.132 / 2011, with the subsequent modifications and completions
- b) is the personal assistant of one of the dependent children;
- c) the other parent does not make income from wages and assimilated to wages, income from independent activities, income from intellectual property rights, income from agricultural activities, forestry and fish farming, subject to income tax according to the provisions of Law no. 227/2015 regarding the Fiscal Code, as subsequently amended and supplemented.

3. Paragraph (3) of Article 2 shall be amended and supplemented and shall have the following content:

(3) The provisions of paragraph (2) do not apply to the single person in the single-parent family, defined in the conditions of art.3 of Law no.277 / 2010 on the allowance for family support, republished, with the subsequent amendments and completions, as well as to the person separated in fact, the situation. attested by the guardianship authority.

4. In Article 2, after paragraph 4, two new paragraphs (5) and (6) are inserted, with the following content:

„(5) The provisions of para. (1) do not apply to the employees of the national defense system, to the employees of the penitentiaries, to the personnel of the public sanitary units and to other categories established by order of the Minister of Internal Affairs, of the Minister of Economy and of the Minister of Transport, as the case may be, in extreme situations so decreed by the competent authorities with responsibilities in the field.

(6) The employers grant the free days in the conditions of the present law, after exhausting all the options provided by the legal regulations in force for carrying out the activity and with the

obligation to insure business continuity, including by shifting the work schedule or implementing flexible work forms. ”

5. A new Article 31 is inserted after Article 3, with the following content:

"Art. 31 - The personnel provided in art.2 para. (5) benefits from an allowance calculated according to art.3 paragraph.(1), corresponding to the number of working days approved by the Government decision provided in art.4, granted in addition to the due salary rights, in case the other parent does not benefit from the rights provided in art.1 or this article. ”

6. Article 4 shall be amended and supplemented and shall have the following content:

"Art. 4 - The number of free days and the number of working days granted according to the present law is determined by the Government, by decision, for each situation provided for in art. 1 paragraph (1) and art. 2 paragraph (5)."

Art.II

(1) Granting the insertion incentive provided by the Government Emergency Ordinance no. 111/2010 regarding the leave and allowance for the raising of children, approved by Law no. 132/2011, with the subsequent modifications and completions, hereinafter referred to as the emergency ordinance, shall be carried out without interruption, for a period of 90 days in the case of persons who, starting with the date of application of Decision no. 6/2020 of the National Committee for Special Emergency Situations or during the period of application of the Decree of the President of Romania no. 195/2020 on establishing the state of emergency in the territory of Romania, published in the Official Gazette of Romania, Part I no.212 from 16 Mrch 2020 , in compliance with the provisions of art. 17 paragraph (1) lit. a) from the emergency ordinance, is in one or more of the following situations:

- a) benefits from the leave provided for in art. 2 paragraph (1) letter a), b) and d) of the Government Emergency Ordinance no.158 / 2005, approved by Law no. 399/2006, as subsequently amended and supplemented;
- b) benefits from the leave provided by Law no.19 / 2020 on granting parents free days for the supervision of the children, in the situation of temporary closure of the educational units;
- c) is in the period provided for in art. 52 paragraph (1) letter c) of Law no.53 / 2003 - Labor Code, republished, with the subsequent modifications and completions;
- d) their employment or service relationship were suspended or terminated, following the establishment of the emergency situation under the conditions of the Government Emergency Ordinance no.1 / 1999 regarding the status of siege and the regime of the state of emergency, approved with modifications and completions by Law no.453 / 2004, with the subsequent modifications and completions.

(2) If after the period provided for in paragraph (1), the entitled person realizes income subject to income tax in accordance with art. 3 of the ordinance of, then the insertion incentive is granted, according to the law, until the child reaches the age of 3 years or 4 years in the case of the disabled child.

(3) The provisions of paragraphs (1) and (2) shall apply accordingly also in the case of the persons who benefit from the allowance provided for in art. 32 paragraph (5) of the emergency ordinance.

Art.III

(1) Starting with the entry into force of this emergency ordinance, the applications and the supporting documents for applying for the social assistance benefits granted from the state budget through the budget of the Ministry of Labor and Social Protection, can also be submitted by electronic mail.

(2) The requests and supporting documents provided in par. (1) aims at granting the following social assistance benefits:

a) the social aid granted under the Law no. 416/2001 regarding the minimum guaranteed income, with subsequent modifications and completions;

b) the family support allowance granted under Law no. 277/2010 on the family support allowance, republished, with subsequent amendments and completions;

c) the state allowance for children granted under the Law no. 61/1993 on the state allowance for children, republished, with subsequent amendments and completions;

d) the rights granted under the Government Emergency Ordinance no. 111/2010 regarding the leave and the monthly allowance for the raising of children, approved with modifications by Law no. 132/2011, as subsequently amended and supplemented;

e) the monthly placement allowance granted under Law no. 272/2004 on the protection and promotion of the rights of the child, republished, with the subsequent modifications and completions;

f) the rights granted under art. 50 of Law no. 273/2004 regarding the adoption procedure, republished, with subsequent amendments and completions;

g) the aid for the heating of the house granted according to the Government Emergency Ordinance no. 70/2011 regarding the social protection measures for the cold season, approved by Law no. 92/2012, as subsequently amended and supplemented;

h) the monthly food allowance granted under Law no. 584/2002 regarding the measures to prevent the spread of AIDS in Romania and to protect the people infected with HIV or AIDS patients, as subsequently amended.

(3) Submission by electronic mail of the applications and supporting documents for requesting the benefits provided in paragraph (2) shall be made as follows:

a) for the benefits provided in letter. e) - f) and h) to the agencies for payments and social inspection county, respectively of Bucharest, hereinafter referred to as territorial agencies, in whose territorial area is the domicile, residence or actual residence of the applicants;

b) for the benefits provided in letters a) -d), and g), to the local public administration authorities in whose territorial area they have their domicile, residence or actually live the applicants.

Art. V

(1) The National Agency for Payments and Social Inspection, the territorial agencies and the authorities of the local public administration have the obligation to take the necessary measures for the implementation of the system of transmission by electronic mail of the applications and the supporting documents for requesting the social assistance benefits provided. in art. III paragraph (2).

(2) The organization of the mode of receipt by electronic mail of the requests and the supporting documents is established by decision of the general director of the National Agency for Payments and Social Inspection for the rights provided in art. 1 paragraph (2) letter c) - f) and h), respectively by disposition of the mayor for the rights provided in art. 1 paragraph (2) letter a), b) and g).

(3) In the case where the requests and the supporting documents for the application of the rights provided in art. III paragraph (2) have been submitted by electronic mail to the authorities of the local public administration, they have the obligation to send to the territorial agency, within the term provided by the law, the requests received, to the official e-mail address of the institution or through the Contact Point electronic one, according to the Government Decision no.922 / 2010 on the organization and functioning of the single electronic contact point, with the subsequent modifications and of the Government Emergency Ordinance no. 41/2016 regarding the establishment of simplification measures at the level of the central public administration and for the modification and completing some normative acts, approved with modifications by Law no. 179/2017.

Article VI

(1) In exceptional cases, the territorial agencies and / or the authorities of the local public administration may request the persons who have submitted the application and the supporting documents by electronic mail, to present it at the institution's premises.

(2) Exceptional situations mean the following:

a) existence of documents that do not respect the conditions of form and content provided by law;

b) the determination of some inconsistencies between the information in the transmitted documents and those in the databases of other institutions to which the territorial agencies or the local public administration authorities have access for verifying the fulfillment by the applicants, of the criteria for granting the rights;

c) the information in the transmitted documents is incomplete or, on the basis of them, the eligibility conditions cannot be determined.

(3) The deadline stipulated by the law for solving the request in the exceptional cases provided for in paragraph (2) shall be extended by up to 15 working days for verifying the reality, legality and conformity of the transmitted documents, as well as for requesting additional supporting documents.

Article VII.

(1) The National Agency for Payments and Social Inspection, the territorial agencies and the authorities of the local public administration have the obligation to display at the headquarters of the institutions and on their own website the necessary information regarding the request for social assistance benefits through electronic mail.

Art. VIII

(1) In the case of establishing the emergency situation under the conditions of the Government Emergency Ordinance no.1 / 1999 regarding the state of siege regime and the state of emergency regime, approved with modifications and completions by Law no. 453/2004, with the subsequent modifications and completions, the transmission by electronic mail of the applications and supporting documents for the application of the insurance rights becomes the main means of communication.

Article IX.

(1) The monitoring reports provided in art. 30 paragraph (2) from the Annex to the Government Decision no.118 / 2014 for approving the Methodological Norms for applying the provisions of Law no. 197/2012 regarding the quality assurance in the field of social services, with the subsequent modifications and completions, drawn up before the establishment of the state of emergency by the Decree of the President of Romania no. 195/2020 regarding the establishment

of the state of emergency in the territory of Romania, published in the Official Gazette of Romania I no.212 of March 16, 2020, remains valid after the cessation of the state of emergency and will be taken into account in the evaluation process for granting a new license for the social service.

Art. X.

(1) During the establishment of the state of emergency by the Decree of the President of Romania no. 195/2020, the social assistance benefits that have as a condition the attendance of education courses by children or young people, are granted without interruption.

Art. XI

(1) During the period of emergency established by the Decree of the President of Romania no. 195/2020, for the period of temporary suspension of the individual employment contract at the initiative of the employer, according to art. 52 paragraph (1) lit. c) of Law no. 53/2003 - The Labor Code, with the subsequent modifications and completions, following the effects produced by the SARS-CoV-2 coronavirus, the allowances that the employees benefit from, of at least 75% of the basic salary corresponding to the occupied job paid from the salary fund, it is supported by the unemployment insurance budget, but not more than 75% of the gross average wage stipulated by Law no. 6/2020 regarding the state social insurance budget for 2020.

(2) The employers who benefit from the provisions of par. (1) have the obligation to maintain the employment relationships of the persons concerned for a period of at least 6 months from the date of resuming the activity after the suspension of the employment relationships according to art. 52 paragraph (1) lit. c) of Law no. 53/2003 - Labor Code, as subsequently amended and supplemented.

Art.XII

(1) In order to grant the amounts necessary for the payment of the allowance provided for in Article XI, the employers submit, by electronic mail, to the county agencies for employment or of the municipality of Bucharest, within the scope of which they have their registered office, a request signed and dated by the legal representative, drawn up according to the model provided in Annex no. 1 to this emergency ordinance, accompanied by the following documents:

a) the certificate of emergency situation issued by the Ministry of Economy, Energy and Business Environment;

b) the list of persons who will benefit from the allowance provided for in art. 1, assumed by the legal representative of the employer, drawn up according to the model provided in Annex no. 2 to this emergency ordinance.

(2) The model of the certificate provided for in paragraph (1) letter a) and the conditions for granting it shall be approved by Government decision, at the proposal of the Ministry of Economy, Energy and Business Environment, within a maximum of 5 days from the entry into force of this emergency ordinance.

Art. XIII

(1) The documents provided in Article XII paragraph (1) shall be deposited in the current month for the payment of the previous month's allowance.

(2) Settlement, from the unemployment insurance budget, of the amounts paid by way of indemnity shall be made within a maximum of 30 days from the submission of the documents.

Art. XIV

(1) The amounts paid from the unemployment insurance budget according to art. XI paragraph (1) will be reconstituted with non-reimbursable external funds by the Ministry of European Funds, within the limits of the amounts allocated for this intervention and in accordance with the provisions and eligibility rules of the Human Capital Operational Program.

(2) The use of the amounts transferred in the employer's account from the unemployment insurance budget, provided in art. XIII paragraph (2), with a destination other than that established in this ordinance, entails criminal liability

Article XVI

(1) Annexes no. 1 and 2 are an integral part of this emergency ordinance.

PRIME MINISTER

LUDOVIC ORBAN

Annex no. 1

EMPLOYER.....

Registered office address.....

CUI.....

Bank account no.....

Phone.....

E-mail.....

To,

COUNTY EMPLOYMENT AGENCY _____ / Bucharest

The undersigned _____, being administrator / legal representative of _____ with the registered office in the locality _____, str. _____ no. _____, county _____ / municipality _____, sector _____ asks you to settle the amount of the temporary interruption of activity allowance for a number of _____ persons, in total amount of _____ lei.

I attach the following documents:

