



Stimati colaboratori,

Dorim sa va prezentam cateva aspecte ale Ordonantei de Urgenta a Guvernului nr. 32/2020 privind modificarea si completarea unor acte normative, precum si pentru stabilirea unor masuri in domeniul protectiei sociale in contextul situatiei epidemiologice determinate de raspandirea coronavirusului SARS-CoV-2 si pentru stabilirea unor masuri suplimentare de protectie sociala, modificari aduse Ordonantei de Urgenta Nr. 30/2020, publicata in Monitorul Oficial nr. 260 din 30 martie 2020

Fata de prevederile OUG 30/2020, cu privire la indemnizatia pentru perioada suspendarii temporare a contractelor de munca, toti agentii economici vor avea aceeasi prevedere respectiv indemnizatia suportata din bugetul asigurarilor pentru somaj se acorda in limita a 75% din salariul de baza corespunzator locului de munca ocupat si se suporta din bugetul asigurarilor pentru somaj, dar nu mai mult de 75% din castigul salarial mediu brut pentru anul 2020 (4.072 lei = 5.429 *75%), prevazut de Legea nr. 6/2020 a bugetului asigurarilor sociale de stat pe anul 2020.

Se modifica Art. XI alin. (2) din OUG 30/2020, in sensul ca de prevederile de mai sus beneficiaza salariatii angajatorilor care reduc sau intrerup temporar activitatea total sau partial ca urmare a efectelor epidemiei coronavirusului SARS-Cov-2, pe perioada starii de urgenta decretate, conform unei declaratii pe propria raspundere a angajatorului.

Dear collaborators,

We would like to present you some aspects of the Government Emergency Ordinance No 32/2020 on the modification and completion of legislation, as well as for the establishment of measures in the field of social protection in the context of the epidemiological situation as a result of the spread of SAR-CoV-2 coronavirus and for the establishment of additional social protection measures, amendments to Emergency Ordinance No 30/2020, Published in Official Gazette No 260 of March 30-th, 2020

In relation to the provisions of the GEO 30/2020, as regards compensation for the period of temporary suspension of employment contracts, all economic operators will have the same provision, that is, the indemnity borne by the unemployment insurance budget is granted up to 75% of the basic salary corresponding to the job occupied and it is covered from the unemployment insurance budget, but not more than 75% of the average gross wage gain for 2020 (4.072 lei = 5.429 *75%), provided by Law no. 6/2020 of the state social security budget for 2020.

Article XI paragraph 2 of the GEO 30/2020 is amended, in the sense that the above provisions benefit employers' employees who reduce or temporarily interrupt work in whole or in part as a result of the epidemic of SAR-cov-2 coronavirus, during the state of emergency decreed, according to a declaration on the employer's responsibility.

Se abroga prevederea de la art.XI, alin. 2, lit.b) si alin. 3) din OUG 30/2020 conform careia plata indemnizatiei se va realiza in baza unei declaratii pe propria raspundere din care sa reiasa faptul ca angajatorul inregistreaza o diminuare a incasarilor din luna anterioara depunerii declaratiei pe propria raspundere, cu un procent de minimum 25% fata de media incasarilor din perioada ianuarie-februarie 2020 si ca nu are capacitate financiara pentru a plati salariatii.

Se introduc noi alineate la Art. XI, respectiv aliniatele de la (9) la (13), astfel:

- ✓ Alin. (9) -> daca un salariat are incheiate mai multe contracte de munca, din care cel putin unul este cu norma intreaga, contract care este activ pe toata perioada starii de urgenta, atunci respectivul salariat nu beneficiaza de indemnizatia platita din bugetul asisurarilor pentru somaj;
- ✓ Alin. (10) -> atunci cand un salariat are incheiate mai multe contracte individuale de munca si toate sunt suspendate ca urmare a instituirii starii de urgenta, atunci acesta beneficiaza de indemnizatia aferenta contractului individual de munca cu drepturile salariale cele mai avantajoase;
- ✓ Alin. (11) -> angajatorul poate sa suplimenteze, daca bugetul acestuia permite, diferenta de pana la 75% in salariul de baza corespunzator locului de munca, in conformitate cu prevederile art. 53 alin. (1) din Codul muncii;
- ✓ Alin. (12) -> angajatorul nu datoreaza contributia asiguratorie pentru munca

Is hereby repealed the provision in Article XI, paragraph 2(b) and paragraph 3 of the GEO 30/2020 that the payment of the allowance shall be made on the basis of a self-declaration stating that the employer is recording a decrease in the incomes of the month preceding the submission of the self-declaration, with at least 25% of the average incomes between January and February 2020 and that it has no financial capacity to pay the employees.

New paragraphs shall be inserted in Article XI, respectively, paragraphs (9) to (13) as follows:

- ✓ Paragraph 9 -> if an employee has several contracts of employment, of which at least one is full-time, which is active throughout the emergency, then the employee concerned shall not receive the allowance paid from the budget of the unemployment insurance scheme;
- ✓ Paragraph 10 -> when an employee has more than one individual contract of employment and all are suspended as a result of an emergency, he shall be entitled to the benefit of the individual contract of employment with the most advantageous salary rights;
- ✓ Paragraph 11 -> the employer may supplement, if his budget permits, the difference of up to 75 % in the basic salary corresponding to the place of employment, in accordance with the provisions of Article 53 para(1) of the Labor Code;
- ✓ Paragraph 12 -> the employer shall not owe the insurance contribution for work under

conform Codului fiscal, pe perioada starii de urgenta, pentru salariatii ale caror contracte individuale de munca sunt suspendate, aceasta perioada constituind stagiul de cotizare fara plata contributiei in sistemul de asigurari sociale de sanatate pentru concediile si indemnizatiile de asigurari sociale de sanatate. Pentru stabilirea si calculul indemnizatiilor de asigurari sociale de sanatate prevazute in OUG Nr. 158/2005, se utilizeaza salariul minim brut (2.230 lei) pe tara garantat la plata in vigoare pe perioada in care este insutuita starea de urgenta;

- ✓ Alin. (13)-> in situatia in care stagiul de cotizare realizat este aferent unei fractiuni de luna, se utilizeaza salariul minim brut pe tara garantat la plata aferenta fractiunii de luna;
- ✓ Pct. 4 din Ordonanta) -> pentru acordarea indemnizatiei din bugetul asigurarilor pentru somaj, angajatorii depun, prin posta electronica, la agentiile pentru ocuparea fortei de munca judetene sau a municipiului Bucuresti, dupa caz, in raza unde respectivii angajatori au sediul social, urmatoarele documente:
 - o cerere semnata si datata de catre reprezentantul legal
 - declaratie pe proprie raspundere
 - lista persoanelor care urmeaza sa beneficieze de indemnizatie, asumata de reprezentantul legal al angajatorului; modelul declaratiei si al listei persoanelor va fi aprobat prin ordin al ministrului muncii si protectiei sociale;
- ✓ Pct. 5 din Ordonanta) -> angajatorii isi asuma raspunderea pentru corectitudinea

the Tax Code during the state of emergency for employees whose individual employment contracts are suspended, this period constitutes the period of contribution without payment of the contribution to the health social security scheme for leave and health social security benefits. For the establishment and calculation of the social security benefits provided by GEO no. 158/2005, the gross minimum wage (2.230 lei) is used per country guaranteed for the payment in force during the period when the state of emergency is in place;

- ✓ Paragraph 13 -> when the contribution period completed relates to a fraction of a month, the minimum gross salary per country guaranteed is used for the payment corresponding to the fraction of a month;
- ✓ Point 4th of the Ordinance) -> employers submit by electronic mail at the agencies for the employment of county or city of Bucharest, as appropriate, in the area where the respective employers have their registered office, the following documents:
 - an application signed and dated by the legal representative;
 - self-declaration;
 - the list of persons to be entitled to the allowance, assumed by the employer's legal representative; the model of the declaration and the list of persons shall be approved by order of the minister for labor and social protection.
- ✓ Point 5th of the Ordinance) -> employers take responsibility for the correctness and

si veridicitatea datelor inscrise in cerere, declaratia pe propria raspundere si lista persoanelor care beneficiaza de indemnizatie

- ✓ Pct. 6 din Ordonanta) -> plata indemnizatiei se face in conturile angajatorilor deschise la banci comerciale, plata efectuandu-se in cel mult 15 zile de la depunerea documentelor;
- ✓ Pct. 7 din Ordonanta) -> plata indemnizatiei catre salariati se face in maximum 3 zile lucratoare de la primirea sumelor de catre angajator

veracity of the data entered in the application, the self-declaration and the list of persons entitled to the allowance;

- ✓ Point 6th of the Ordinance) -> the payment of the allowance is made in the employers' accounts opened with commercial banks, payment being made within 15 days of the submission of the documents;
- ✓ Point 7th of the Ordinance) -> payment of the allowance to employees is made within 3 working days at the latest following receipt of the sums by the employer

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