

Charles University, Faculty of Medicine in Hradec Králové

**Dean's measure No 6/2020
Ref. UKLFHK/120309/2020**

Title: **Rules on the Organization of Working Time and Leave of Absence at the Faculty of Medicine in Hradec Králové**

Validity and effectiveness: On the day of the Dean's signature

**Article 1
Initial Provisions**

This Dean's Measure governs the rules of organization, allocation and recording of working time at the Faculty of Medicine in Hradec Králové and the rules for taking a leave of absence, in accordance with Act No. 262/2006 Coll., Labour Code, as amended (hereinafter 'the Labour Code'), the Collective Agreement of Charles University and its amendments concluded by the Faculty of Medicine in Hradec Králové (hereinafter 'the Collective Agreement') and the internal rules of Charles University (hereinafter 'the University'), the Faculty of Medicine in Hradec Králové (hereinafter 'the Faculty') and the other regulations of the University and Faculty.

**Article 2
Scope of Validity**

This Measure shall be binding for all staff members of the Faculty in an employment relationship.

**Article 3
Responsibility**

The heads of institutes, departments, clinics, Dean's office and other parts of the Faculty (hereinafter 'the head of the department') are responsible for planning, organizing and recording of working time and leave of absence. The head of the department may delegate these activities to another employee.

Article 4

Working Time

1. The specified weekly working time for employees in a one-shift work schedule shall be 40 hours per week that are usually evenly distributed within a five-day working week.
2. The specified weekly working time for employees in a two-shift work schedule shall be 38.75 hours per week and 37.5 hours per week for employees on a three-shift or continuous work schedule (operation of information desks and reception facilities). It is generally unevenly distributed over a five-day or seven-day working week according to the employer's operating needs. The conditions for an uneven working time schedule are laid down in a separate Dean's measure.
3. The length of the shift must be planned for all employees not to exceed 12 hours and the continuous rest between the end of one shift and the beginning of the next shift must be at least 11 hours during 24 consecutive hours. Rest periods can only be reduced under conditions laid down by the Labour Code.
4. Where an employee has a concurrent employment relationship whose performance extends to the working time at the Faculty, they shall be obliged to work to compensate for the absence, on account of the performance of a concurrent employment relationship, unless otherwise provided for in the Collective Agreement or in the internal rules of the Faculty.
5. The Faculty offers flexible working time arrangements. The conditions for their application are laid down in Article 6 of this Measure.

Article 5

Break at Work and Safety Breaks

1. Employees are offered a break for a meal and rest after a maximum of 6 hours of continuous work lasting 30 minutes per shift of more than 6 hours. This break cannot be provided at the beginning and end of working time. This break is not counted towards working time.
2. Employees who carry out work that cannot be interrupted (e.g. door guards) must be provided with reasonable periods for rest and a meal without interruption of operation or work. This period shall count towards working time.
3. In the cases set out in specific legislation, the employee has the right to a safety break within the scope of this regulation (e.g. after 4.5 hours of driving a private vehicle the employee is entitled to take a safety break of at least 30 minutes). This break is included in working time.

Article 6

Flexible Working Time Arrangements

1. Flexible working time schedules include basic and optional working time periods.
2. The basic working time shall be set to working days from 8:00 a.m. to 1:30 p.m. During basic working time, the employee is required to be at the workplace and to perform work.
3. The optional working time shall be set to working days from 6:00 a.m. to 8:00 a.m. and from 1:30 p.m. to 7:00 p.m. Within the optional working time, the employee individually chooses the start and end of their working time, but the length of the shift must not exceed 12 hours.
4. Where the employer's operational needs so require, the working time at each workplace may be determined differently from that of the basic and optional working time referred to in the preceding paragraphs.
5. In order to perform exceptional work duties, the head of the department may allow the employee an exception to the specified working time schedule referred to in paragraphs 2 and 3 of this Article and to allow the employee to work after 7:00 p.m. and during non-working days. The relevant provisions of the Labour Code on the length of shift and continuous rest between shifts and the internal rules governing the operation of the individual buildings of the Faculty and safeguarding the protection of the assets of the Faculty must be observed. Participation in meetings of bodies, commissions and activities to ensure their organization, if they take place after 7:00 p.m., and attending teaching-related events or teaching itself, if they take place outside working days, shall be considered an exemption already granted.
6. Flexible working time shall be offset within the relevant calendar month (balancing period). The employee shall, in the relevant calendar month, work for the working time scheduled for that calendar month according to the weekly plan (i.e. the monthly fund).
7. Any work exceeding the weekly working time shall not be taken into account, unless it is considered overtime work or compensation for an unworked part of a specified working time.
8. Overtime work shall be, in the case of flexible working time arrangements, over and above the specified weekly working time, if the employee has performed it at the direction of the head of the department or with their consent under the conditions laid down in Article 8 of this Measure.
9. Flexible working time arrangements shall not apply
 - a) during an employee's business trip;
 - b) when there is the need to ensure an urgent job in a shift, the start and end of which are fixed, or when the operational reasons prevent them from being used;
 - c) at a time of significant personal obstacles to work, for which employees are entitled to a salary compensation pursuant to Article 192 of the Labour Code or

benefits under the sickness insurance regulations (temporary incapacity for work, quarantine, maternity and parental leave, care for a sick child under 10 years of age or another family member);

- d) on full-day leave of absence.
10. In the cases referred to in paragraph 9, in which the flexible working time arrangements do not apply, the working time shall be fixed between 7:00 a.m. and 3:30 p.m. in the cases referred to in paragraph 9(a) and (b) of this Article and between 7:00 a.m. and 3:00 p.m. in the cases referred to in paragraph 9(c) and (d) of this Article.
 11. The non-application of flexible working time for the reasons set out in paragraph 9(b) of this Article shall be decided by the head of the department.
 12. Flexible working time shall apply to all employees of the Faculty except for:
 - a) employees for whom a weekly working time schedule is set to multi-shift operation (e.g. door guards);
 - b) employees working for shorter periods than a specified weekly working time.

Article 7

Obstacles to Work with Flexible Working Time Arrangements

1. Doctor's appointments and personal errands which are under labour law obstacles to work on the part of the employee are normally carried out by employees outside working time or during optional working time. During basic working time, they can be carried out only where absolutely necessary and only to the extent necessary.
2. Obstacles to work on the part of the employee (e.g. a doctor's appointment, a family member's accompaniment to a doctor, other personal matters, etc.) are considered to be work (included in the time worked) only to the extent that they have necessarily extended to the basic working time. When they extend to the optional working time, they are considered excused, but are not counted as work (not included in the time worked) and are not eligible for salary. This shall not apply to significant personal obstacles to work for which, pursuant to Article 6(9)(c) of this Measure, flexible working time arrangements shall not apply and to obstacles to work on the part of the employee as referred to in paragraph 3 of this Article.
3. Where the legislation specifies the period of strictly necessary working time, for which the employee is entitled to leave of absence (e.g. leave in the event of a death of a family member, their own marriage or marriage of their children, moving, etc.), the whole of such a period of time shall be considered as the performance of work. A period corresponding to the average length of the working shift resulting from the specified working time of the relevant employee (i.e. 8 hours) shall be considered as one day.
4. If an employee has not worked for the entire specified working time or part thereof during the week because they were prevented from doing so by an obstacle to work on the part of the employee (except for the obstacles to the work considered to be the performance of

work – included in working time), the employee shall be obliged to work to compensate for that part of their working time without undue delay in subsequent working days, however, no later than the end of the calendar month (balancing period), unless they have agreed to other time of work compensation with the head of the department. This compensatory work is not considered overtime work.

5. Obstacles to work on the part of the employer shall be treated as work when they extend to the shift of the employee, up to a maximum of the average length of the working shift for each day.

Article 8 Overtime Work

1. Overtime work is work over and above the specified weekly working time, resulting from a predetermined work schedule and outside the specified shift schedule, if the employee has done such work at the direct order of or with the approval of the head of the department. Where the employee works beyond specified weekly working time to compensate for time off from work, which the employer has granted them at their request, or where the employee works during a balancing period within the framework of a flexible working time to compensate for specified working time not previously worked, such work shall not be considered overtime work.
2. The employer may only order overtime work by way of exception within 150 hours a year and not more than 8 hours a week.
3. Additional overtime work, beyond the scope set out in the preceding paragraph, may be requested by the employer only on the basis of an agreement with the employee. Such overtime work shall be subject to the approval of the Dean of the Faculty. The total scope of overtime work shall not exceed on average 8 hours per week over a period of 26 consecutive weeks, i.e. max. 208 hours over 26 consecutive weeks.
4. The continuation of work not directly ordered during the preparation of publications, research, teaching, etc., as well as self-study, self-training, participation in seminars, etc., shall not considered to be overtime work.

Article 9 Working Time Recording

1. The employer shall keep a record of working time of the employees, recording the start and end of shifts, overtime, and night work.
2. The accuracy and completeness of this record are the responsibility of each head of department, who will also determine the form and manner of the record at their department, so that it is clear, understandable, and demonstrable.

3. Employee participation is required to maintain the records. In particular, employees shall record time worked in the reporting system, i.e. start and end of work, meal and rest breaks, leaves of absence, personal development days (or days of sick leave, etc., as defined by the Rector's and Dean's measures currently in force), absence from work or interruption of work due to an obstacle to work on the part of the employee (e.g. a doctor's appointment).
4. Overtime, night and holiday work shall be recorded in a monthly report of hours worked approved by head of the department. If an employee records work above a specified working time in accordance with paragraph 3, such work shall be considered overtime only if the work is approved by the head of the department in the report of hours worked in accordance with the first sentence.
5. Leave of absence of all employees and personal development days (or sick days, etc., as appropriate, within the meaning of the Rector's Measures and the Dean's Measures currently in force) shall be recorded in the Aktion electronic system, irrespective of the method of working time recording referred to in paragraph 2.
6. Absence from work due to obstacles to work on the part of the employee is evidenced by certified furloughs approved in advance by the head of the department (if circumstances permit) or by other evidence showing the reason for the employee's absence from work.

Article 10 **Leave of Absence**

1. The employees of the Faculty shall be entitled, under the conditions laid down by the Labour Code, to annual leave of absence or to a proportional part thereof, or to leave of absence for the days worked, or to additional leave of absence, where appropriate.
2. The leave of absence of academic staff shall be 8 weeks in a calendar year, and for other staff, it shall be 5 weeks in a calendar year.
3. The time of the leave of absence shall be determined by the employer in accordance with the schedule of leave of absence (hereinafter also 'the plan of leave') established with the prior agreement of the trade union.
4. The plan of leave for the entire calendar year will be prepared by the head of the department for their respective department and submitted to the HR department within the time limit set in the Collective Agreement or internal regulations of the Faculty. In doing so, the head of the department shall take into account the operating reasons of the employer and the legitimate interests of the employee.
5. The head of the department must determine the dates for leave of absence so that the annual leave is generally taken as a whole and used up by the end of the calendar year in which the right for the leave of absence of the employee originated. If an employee is granted leave of absence in several parts, at least one part of the leave must be taken as a whole for the duration of at least two weeks, unless the head of the department and the employee agree otherwise.

6. It is the responsibility of the head of the department to notify the employee of a designated (ordered) period of leave of absence at least 14 days in advance, unless the head has agreed with the employee on a shorter notice period.
7. The time of leave of absence for a particular employee shall be determined by the head of the department by electronically approving the request for leave based on the employee's application submitted in the electronic system of Aktion. This shall apply to all employees, irrespective of the method of working time recording referred to in Article 9(2).
8. The approval of an employee's application for leave of absence in a certain period and extent, in the manner described in the preceding paragraph, may result in a change to the plan of leave prepared in accordance with paragraphs 2 and 3. The electronic approval of an application shall take precedence over the plan of leave prepared for the whole year.
9. Not taking a leave of absence until the end of the calendar year in which the employee was entitled to take it may be allowed only if it is prevented by
 - a. obstacles to work on the part of the employee (incapacity for work, quarantine, care for a sick child under 10 years of age or another family member, taking maternity or parental leave), or
 - b. urgent operational reasons that demonstrably do not allow the determination of the time of leave of absence or to take planned leave under the condition of ensuring the operation of the department.
10. The leave which the employee has not taken for the reasons referred to in paragraph 9 of this Article shall be transferred to the following year. Compensation of salary for untaken leave shall be granted only in the event of termination of employment.
11. The head of the department is required to provide the HR department with an overview of the extent of the employee's leave not taken, together with a justification for why the leave could not be taken, by the end of the calendar year.
12. The leave of absence not taken, transferred to the following year in accordance with paragraphs 9 and 10 of this Article, shall be taken by the employee in accordance with the provisions of the Labour Code, the Collective Agreement and the internal rules of the University and the Faculty currently in force.

Article 11

Agreements on Work Outside the Employment Relationship

1. Staff working under work contracts (dohoda o provedení práce, agreement to complete a job, or dohoda o pracovní činnosti, agreement to perform work) shall not be subject to the provisions of this Measure.
2. The employer shall not be obliged to schedule and keep a record of working time for an employee performing work under the contracts referred to in paragraph 1 of this Article.

The work done shall be recorded by the employer in the report on the work relating to the individual contracts.

3. However, the performance of work under such work contracts shall not exceed 12 hours during 24 consecutive hours.
4. The employee shall have the right to leave of absence if they perform work under an agreement to perform work (dohoda o pracovní činnosti) and the right to leave of absence is expressly agreed to in such a contract.

Article 12 **Final Provisions**

1. This Measure repeals Order No 6/00-01 Rules on Working Time, Recording of Working Time, Breaks, Overtime Work and Leave of Absence at the Charles University Faculty of Medicine in Hradec Králové of 1 January 2001.
2. This Measure repeals Dean's Order No. 2/2014-15 Taking Leave of Absence of 12 January 2015.

In Hradec Králové on 7 April 2020

prof. MUDr. Jiří Mand'ák, Ph.D.
Dean of the Faculty